The National Medals of the U. S.

Essays and Addresses.

RICHARD M. McSHERRY.

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THE NATIONAL MEDALS

OF THE

UNITED STATES

AND

ESSAYS AND ADDRESSES.

BY

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OF THE MARYLAND HISTORICAL
SOCIETY; &C., &C.

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PREFACE.

A preface is an apology; something like the special pleas in justification, or confession and avoidance.

The paper on "The National Medals of the United States" was published and distributed by the Maryland Historical Society in 1887. The edition was soon exhausted, but correspondents still continue to ask where a copy can be obtained.

Many requests have also been made for the lecture on the Ober Ammergau Passion Play, which has been frequently delivered for various charities, but never printed. The "Talks on Taxation," in the opinion of some partial friends, were worth preserving in a form, more substantial than a pamphlet.

In deciding to publish these papers, and add some addresses and essays on subjects of special interest to the writer, this little book has been evolved.

These are the special pleas in justification, "as to the speaking and publishing of the said words, as in the counts above mentioned. And of this he, the said defendant, puts himself upon the country, &c."

RICHARD M. MCSHERRY.

COURTMACSHERRY,
BALTIMORE COUNTY, MARYLAND,
OCTOBER 15TH, 1897.

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THE NATIONAL MEDALS

OF THE

UNITED STATES.

A Paper Read Before the Maryland Historical Society, 14th of March, 1887.

So far as authentic history goes, the great deeds of men have been commemorated in some conspicuous form, not only as a just recompense for well accomplished duty, but as an incentive to future generations to emulate the public virtue of the hero.

As the Prince Ozias said to Judith, "He has so magnified thy name this day that thy praise shall not depart out of the mouth of men."

And beyond authentic history, in that semi-twilight now being pierced by the keen eye of science, Egyptian papyri, immemorial stones carved with Assyrian and Persian cuneiform,

with Scandinavian and Teutonic Runes, or with Aztec hieroglyphs, all give us in picture or in prose the story of the public triumph.

But the natural fitness of things requires that public reward for public services, should be expressed not only in a conspicuous, but also in an enduring form, and so all the resources of art and labor and treasure have in each succeeding age been utilized and exhausted, to produce gorgeous edifices, temples and monuments, to signalize the victories of the great captains, and the reigns of the great kings and princes of the earth.

Many of these great monuments of the past do survive, such as the Pyramids, and the later edifices of Greece and Rome, and to an extent we know their meaning and the name of the person in whose honor they were built. But who shall tell us of the number that have fallen into ruin and disappeared, as the men whose names they were built to perpetuate have disappeared and been forgotten.

And of those that exist, which one tells us that which any coin dug from the old soil of the Troad will tell us; the name, the date, the very features of the man in whose honor it was struck.

The two largest and most imposing monuments on the Appian way, near Rome, are circular edi-

fices, one of which is so large that there is a house and farm buildings and an olive grove upon its summit, and no man knows in whose honor it was built. The other, which is somewhat smaller, tradition calls the tomb of Cecilia Metella, but tradition cannot tell us who was Cecilia, nor why this sumptuous pile was erected to her memory, and the tomb itself is silent.

But medals, as memorials, are not silent. In a year, or a hundred years, or a thousand years, after the man has played his part, this little metal disk is a witness who shall tell him who reads, the name of the man, and the deed he did, and the time and the country, and show his very features "in his habit as he lived."

Much as we are indebted to ancient coins for exact and concise historical information,[1] it would appear that what we call a medal was practically unknown to antiquity, which only struck pieces

[1] "History of a Coin.—A coin is in itself a history. There was once a lost city which owes its place to a coin. For over a thousand years no one knew where Pandosia was. History told us that at Pandosia King Pyrrhus collected those forces with which he overran Italy, and that he established a mint there; but no one could put their finger on Pandosia. Eight years ago a coin came under the sharp eyes of a numismatist. There was the word Pandosia inscribed on it; but, what was better, there was an emblem indicative of a well known river, the Crathia. Then everything was revealed with the same certainty as if the piece of money had been an atlas, and Pandosia, the mythical city, was at once given its proper position in Bruttium. Now, a coin may be valuable for artistic merit, but when it elucidates a doubtful point in history or geography, its worth is very much enhanced. This silver coin, which did not weigh more than a shilling, because it cleared up the mystery of Pandosia, was worth to the British Museum £200, the price they paid for it."—*Baltimore American*, March 29, 1887.

destined for circulation and exchange as money. The ancient engravers in the types of current money infinitely varied, endeavored to multiply and disseminate religious and historical ideas, but these were technically coins, not medals.

The exact definition of a medal according to the science of numismatics is, "A piece of metal in the form of a coin not issued or circulated as money, but stamped with a figure or device to preserve the portrait of some eminent person, or the memory of some illustrious action or event."

It may be fairly said that we owe the medal, according to this definition, to that period to which all arts are so much indebted. I mean the Italian Renaissance of the fifteenth century, which broke the old mould that imprisoned art in conventional forms, and brought her back to her mother nature.

Vittorio Pisano or Pisanello was indeed the creator of the medal proper. He was a portrait painter of Verona, and the first technical medal was designed by him in honor of John Paleologos, next to the last Greek emperor of Constantinople. This potentate, who wears in the medal a very remarkable headdress copied from life, was at the time, 1439, attending the great Oecumenical Council held at Ferrara and Florence, consulting about the union of the Greek and Latin churches, and had this medal struck in honor of his visit.

So accomplished an artist was Pisano, that a very late work on numismatics says that, "He marked the limits of the art to which he gave birth, and his successors have made variations on his style but not improvements."

From his time onward, Italy has been distinguished in this beautiful art—the long list of its masters, either as designers, engravers or both, including such great names as Raffaele and Benevenuto Cellini.

France followed quickly in the footsteps of Italy, and a very beautiful medal was struck in 1451 to commemorate the taking of Bordeaux, and the final expulsion of the English from France. Other nations followed in the wake and adopted the idea, so that every civilized country soon had issued national medals of more or less importance and artistic merit.

"When in the course of human events, it became necessary for this people to assume among the powers of the world, the separate and equal station to which the laws of Nature and of Nature's God entitled them," the Continental Congress was met at the outset with the question as to how the new republic should honor its heroes. It could not give them titles and peerages, but it could give them, as General Scott once expressed it, "the highest reward a free man can receive—*the recorded approbation of*

his country." Nay, even before the tremendous declaration of the 4th July, 1776, the Congress had decided the point, for on the 26th March, 1776, it was

"Resolved, that the thanks of this Congress in their own name and in the name of the thirteen united colonies whom they represent, be presented to His Excellency General Washington, and the officers and soldiers under his command, for their wise and spirited conduct in the siege and acquisition of Boston; and that a medal of gold be struck in commemoration of this great event, and presented to His Excellency, and that a committee of three be appointed to prepare a letter of thanks and a proper device for the medal."

Messrs. Jno. Adams, Jno. Jay and Hopkins were the committee so appointed, and here, over three months before the Declaration of Independence, begins the story of

The National Medals of the United States.

The letter of John Hancock, President of Congress, to General Washington, informing him of this resolution, may well be taken as the best expression of the meaning and extent of the honor conferred on an American citizen by an act of Congress presenting him with a medal.

"Philadelphia, 2*d April*, 1776.

"*To General Washington.*

"*Sir:* It gives me the most sensible pleasure to convey to you by order of Congress the only tribute which a free people will ever consent to pay—the tribute of thanks and gratitude to their

friends and benefactors. The disinterested and patriotic principles which led you to the field have also led you to glory; and it affords no little consolation to your countrymen to reflect that as a peculiar greatness of mind induced you to decline any compensation for serving them except the pleasure of promoting their happiness, they may without your permission bestow upon you the largest share of their affection and esteem.

"Those pages in the annals of America will record your title to a conspicuous place in the temple of fame, which shall inform posterity that under your direction an undisciplined band of husbandmen, in the course of a few months became soldiers; and that the desolation meditated against the country by a brave army of veterans, commanded by the most experienced generals, but employed by bad men in the worst of causes, was, by the fortitude of your troops and the address of their officers next to the kind interposition of Providence, confined for near a year within such narrow limits as scarcely to admit more room than was necessary for the encampments and fortifications they lately abandoned. *Accept*, therefore, Sir, the thanks of the United colonies unanimously declared by their delegates to be due to you and the brave officers and troops under your command, and be pleased to communicate to them this distinguished mark of the approbation of their country. The Congress have ordered a golden medal adapted to the occasion to be struck and when finished to be presented to you.

"I have the honor to be with every sentiment of esteem, Sir, your most obedient and very humble servant,

"John Hancock,
"*President.*"

No country in the world has been so chary of granting this sort of public recognition to its citizens as the United States. From the beginning of our national history to this, the 112th year of the republic, only eighty-three medals have been granted by Congress, so that, of all governmental

honors known to the world to-day, it is the rarest.

It is interesting to recall the various opinions and suggestions made by the great men of that time in treating of this subject.

The United States Mint was not established until 1792, and previous to that time the revolutionary medals were struck in France, generally under the direction of the American minister near that court. And it happened that there was in Paris at that time a brilliant group of engravers, who have given us in all of these medals noble specimens of their beautiful art.

It appears that the first medal actually struck was that of Lieutenant-Colonel de Fleury, which was executed under the direction of Dr. Franklin about 1780.

The doctor shows his practical mind in a suggestion which he makes in a letter to Mr. Jay, the then Secretary of State, he says:

"The man who is honored only by a single medal is obliged to show it to enjoy the honor, which can be done only to a few and often awkwardly. I, therefore, wish the medals of Congress were ordered to be money, and so continued as to be convenient money by being in value, aliquot parts of a dollar."

Our government has never quite adopted that idea (which was exactly the practice of the coiners of antiquity), but it has come tolerably near it, by placing upon every revenue and postage stamp

and bank note the portrait of some of our public men.

In 1792 the Senate passed a bill for coining money with the head of the *President* upon it, but General Washington himself opposed it, and the House of Representatives amended the bill by substituting the head of *Liberty*, the mother or perhaps grandmother of the classic female who now figures on that coin, which is by law worth 100 cents, and of which we all try to be collectors.

Colonel Humphreys, who was entrusted by Mr. Morris with the commission of procuring the other medals which had been voted, immediately upon his arrival in Paris addressed himself to the French Royal Academy of Inscriptions and Belles Lettres, asking them to aid him "in having these medals executed in a manner grateful to the illustrious personages for whom they are designed, worthy the dignity of the sovereign power by whom they are presented, and calculated to perpetuate the remembrance of those great events which they are intended to consecrate to immortality."

The Academy took a most active interest in the work, and immediately appointed a committee of four of its members to suggest the designs.

Colonel Humphreys returned to America, leaving the superintendence of the medals to Mr. Jefferson, who in writing about them to Mr. John Jay, the then Secretary of State, made some sug-

gestions which are thus commented on by Mr. Jay in his report to Congress, dated 11th July, 1787. After reciting Mr. Jefferson's suggestion, he says:

"In the judgment of your Secretary it would be proper to instruct Mr. Jefferson to present in the name of the United States one silver medal of each denomination to every monarch (except the King of England for that would not be delicate); and to every sovereign and independent State without exception in Europe, and also to the Emperor of Morocco. That he also be instructed to send fifteen silver medals of each set to Congress, to be by them presented to the thirteen United States respectively, and also to the Emperor of China with an explanation and a letter, and one to General Washington. That he also be instructed to present a copper medal of each denomination to each of the most distinguished Universities (except the British) in Europe, and also to Cte de Rochambeau, Cte d'Estaing and Cte de Grasse, and lastly that he be instructed to send to Congress two hundred copper ones of each set together with the dies.

"Your Secretary thinks that of these it would be proper to present one to each of the American colleges, one to the Marquis de la Fayette, and one to each of the other Major-Generals who served in the late American army, and that the residue with the dies be deposited in the Secretary's office of the United States subject to such future order as Congress may think proper to make respecting them.

"It might be more magnificent to give gold medals to sovereigns, silver ones to distinguish persons and copper ones to the colleges, but in his opinion the nature of the American government as well as the state of their finance will apologize for their declining this expense. All of which is submitted to the wisdom of Congress.

"Jno. Jay."

Congress does not seem to have adopted Mr. Jay's report, at any rate the proposed action has never been taken. But it would appear that Mr.

Jefferson fully expected that his suggestion would be carried out, as we find him under date of 23rd February, 1789, writing to Mr. Dupré, the engraver, asking him for a copy of Dr. Franklin's medal, as he is going to have a description of all the medals, printed in order to send them with copies of the medals to the sovereigns of Europe.

It is no doubt owing to the fact that the proposed copies of the medals were never struck, that the Bibliography of American National Medals did not begin with Mr. Jefferson's description of those given for the Revolutionary battles.

The first work on this especial subject known to the writer of this paper, was published in 1848, by Cary & Hart, Philadelphia, and is called "Memoirs of the Generals, Commodores and other Commanders who were presented with medals by Congress, by Thomas Wyatt."

The writer's attention was called to this work by Mr. W. Elliot Woodward of Roxbury, Mass., a name well known to all American numismatists. The only accessible copy was found in the Boston public library, and up to its date it is a complete work, giving an engraving of the medals issued up to that time with a memoir of each of the recipients.

Mr. Wyatt seems to have been the first person to collect a full set of our medals, and in a letter from him to Mr. Woodward in 1861, he speaks

of the great difficulties he had in searching out and borrowing every medal of the series. For the medals of Major Lee and Major Stewart he was obliged to go to France. He had a number of sets struck off for sale at the request, and partly at the expense, of Jared Sparks, Abbott Lawrence, Daniel Webster and other gentlemen interested in the project, and he says that the Legislatures of Maine, New Hampshire, New York, Virginia and Pennsylvania ordered each a set for the public libraries, with a vote of thanks for his perseverance.

In 1861 Mr. James Ross Snowden, Director of the Mint, published a volume called the "Medallic Memorials of Washington." Philadelphia, J. B. Lippincott & Co.—an interesting and valuable work.

In 1878 Mr. J. F. Loubat, of New York, published his "Medallic History of the United States of America." This magnificent and exhaustive work has become an absolute authority on the subject. All that learning, and conscientious and intelligent research can do, has been done to make it perfect, and the writer of this paper cheerfully acknowledges his indebtedness to it for most of the facts herein given. The work being, however, only published as an "edition de luxe," in two large quarto volumes, printed on especially prepared paper and enriched with 170

etchings of the medals by M. Jules Jacquemart, it is necessarily too expensive a book for general circulation and is, therefore, perhaps not as well known as it ought to be.

Mr. Loubat gives descriptions of eighty-six medals which he classifies as national, although seven of them have not the sanction of a Congressional vote.

The first, or Revolutionary group, is composed of the following:

1. General Washington, for the occupation of Boston, by Duvivier.

2. Major-General Gates, for the surrender at Saratoga, by Gatteaux.

3. General Wayne, for Stony Point, by Gatteaux.

4. Major John Stewart, commanding the left wing storming party same action, by Gatteaux.

5. Lieutenant-Colonel de Fleury, commanding the right wing storming party same action, by Duvivier.

6. Major Henry Lee, for surprise of Paulus Hook, by J. Wright.

This was the famous "Light Horse Harry"—the worthy sire of his noble son, General R. E. Lee.

7. John Paulding, David Williams and Isaac Van Wart, for the capture of Major André.

This is not a medal proper, but a piece of repoussé work made by a silversmith.

8. General Morgan, for the victory of the Cowpens, by Dupré.

9. Lieutenant-Colonel William A. Washington, same action, by Duvivier.

10. Lieutenant Colonel John Eager Howard, same action, by Duvivier.

11. Major-General Nathaniel Greene, for the victory at Eutaw Springs, by Dupré.

This completes the list of medals given to the army during the Revolution. Two of the recipients were Marylanders. The first, Major John Stewart, was a son of Stephen Stewart, a merchant of Baltimore.[1] He commanded the left storming party at Stony Point, which, in the words of General Wayne's official report, "with unloaded muskets and strict orders not to fire, in the face of a most incessant and tremendous fire of musketry and from cannon loaded with grapeshot, forced their way, at the point of the bayonet, through every obstacle."

In this same report Mr. Archer is commended for gallantry, and was in consequence brevetted captain by order of Congress, which looks as

[1] This Stephen Stewart was my great-great-great-grandfather. His granddaughter Annie Stewart Wilson (born Stewart) was my great-grandmother. She spent the last years of her life in my father's house on Howard Street, Baltimore, and died there when I was about fifteen years old. "Uncle Jack" as she always called Col. Stewart was the family hero, and although I believe he died when she was almost a baby, she often told us about his sayings and doings. He had the reputation of being gal*lant* as well as *gal*lant. I have his Stony Point Medal in my library.—R. M. McS.

though Harford County had a representative in that action.

Colonel Stewart was a first lieutenant in 1776, captain in 1777, served through the war with great distinction, and commanded a regiment in the Southern Campaign. He went to South Carolina directly after the war and died there in 1783, and so was comparatively little known in Maryland outside of his own kinsmen. Of the other Marylander—Colonel John Eager Howard—nothing need be said here; his life is a part of the history of this city and known to us all.

The Maryland bayonet was as effective under Colonel Howard in South Carolina, as it had been under Colonel Stewart on the Hudson, as will appear from these words taken from General Morgan's official report of the action at the Cowpens: "Lieutenant Colonel Howard observing this, gave orders for the line to charge bayonets, which was done with such address that they fled with the utmost precipitation, leaving their field pieces in our possession. We pushed our advantage so effectually that they never had an opportunity of rallying, had their intentions been ever so good."

It is a matter of history that the Gallant Colonel, during the battle of the Cowpens, held in his hands at one time the swords of seven British officers who had surrendered to him.

But one medal was given during the Revolution to the young American navy—that of

12. Captain John Paul Jones for his various naval exploits, particularly the capture of the British frigate Serapis off the coast of Scotland.

This great naval commander hoisted with his own hands the first American naval flag on board the Alfred on October 10, 1776, at Chestnut Street Wharf, Philadelphia. He was the only American officer decorated by the King of France, and has the unique distinction of being the only American citizen whose title of knight (chevalier), conveyed by the decoration, has been officially recognized by the United States Congress.

This medal is by Dupré, and, with the exception of the medal of Major Henry Lee, which is by Joseph Wright, the first draughtsman and die sinker of the United States Mint, and of the medal to the captors of Major Andre, all of those mentioned were executed by the great French engravers, mostly after designs and with inscriptions furnished by a committee of the Academy of Inscriptions and Belles Lettres in Paris.

Our forefathers evidently did not believe in protection to home art, perhaps being of the same mind as a great American general, who, in writing to the Secretary of War on this subject, said: "But I beg leave again to suggest that the honor of the country requires that

medals voted by Congress should always exhibit the arts involved in their highest state of perfection *wherever* found; for letters, science and the fine arts constitute but *one republic embracing the world.*" General Washington seems to have been also imbued with that idea, for while at Valley Forge, on finding some valuable medical manuscripts—the property of a British medical officer—among some other captured property, he directed them to be returned to their owner, saying that the Americans did not war against the sciences.

There are six other well known medals of the Revolutionary times, which are of very great historical importance, but are not national in the sense of being ordered by Congress. These are

13. The Libertas Americana, in honor of the surrender at Yorktown. This was ordered by Dr. Franklin, to be executed by Dupré. It represents young America as the infant Hercules strangling two sĕrpents.

14 and 15. Two medals to Dr. Benjamin Franklin, engraved and dedicated to him by his friend, Augustin Dupré, both of which bear Turgot's celebrated Latin verse, composed in his honor: "*Eripuit coelo fulmen sceptrumque tyrannis.*" (He wrenched the thunderbolt from heaven and the sceptre from tyrants).

16 and 17. Two medals struck in Amsterdam

—one called "Libera Soror" in honor of the acknowledgment of the United States by the United Netherlands, the other in honor of the celebration of the first treaty of amity and commerce between those countries.

18. The so-called Diplomatic medal. It was then the custom, and, to a great extent is now, for a sovereign to give some token of his regard to a retiring ambassador who has been a "persona grata" at his Court, and General Washington, and his Secretary of State—Mr. Jefferson—evidently thought that the United States Government should not allow itself to be outdone in generosity and splendor, by any king of them all, and so ordered these medals, each with a gold chain, to cost $1,000; but only two have ever been given—one to the Chevalier de la Luzerne, Minister of the King of France in the United States from 1779 to 1784, and the other to the Marquis de Moustier, likewise French Minister at Washington from 1787 to 1790.

A medal called the Japanese Embassy Medal, was struck at the Philadelphia Mint on May 17, 1860, by order of the State Department, in honor of the arrival of the first diplomatic representatives of the Empire of Japan in this country. Three gold medals were struck, one for each of the three envoys, and copies in silver or copper were given to the other members of the Embassy; but this must not be confounded with the Diplo-

matic medal, and, strictly speaking, is not a national medal. It was simply to commemorate the interesting fact, that for the first time in history, the Empire of Japan abandoned its traditional policy of Oriental seclusion, and opened regular diplomatic communication with Western civilization. Many gentlemen here present will doubtless recall the visit of these ambassadors to Baltimore on the 8th June, 1860, where, as guests of the Government of the United States, they were formally received by the Mayor and City Council, and their swords were stolen from the Gilmor House. A peculiar and much-criticized incident in that connection, was that the police authorities advertised, offering a large reward—I believe $1,000—for the recovery of these swords, promising to the thieves immunity from all criminal prosecution on the return of the stolen property. This was done on the belief that the loss of the swords would subject the envoys to the penalty of death on their return to Japan.

19. The first medal given by Congress after the Revolution was to Captain Thomas Truxton, commander of the United States frigate Constellation, which was built at Harris Creek, Baltimore, for the capture of the French ship of war La Vengeance, near the island of Guadaloupe, on the 1st February, 1800. This was at the time of the unfortunate complication with France, which has

left us, among other disagreeable reminiscences, the famous French spoliation claims.

President John Adams, in writing to Captain Truxton in regard to this medal, expressed some views about the navy which do not seem to have been in accord with the policy of our Government for the last twenty years. He says: "The counsels which Themistocles gave to Athens, Pompey to Rome, Cromwell to England, De Witt to Holland and Colbert to France, I have always given, and shall continue to give, to my countrymen—that as the great questions of commerce and power between nations and empires must be decided by a military marine, and war and peace are decided at sea, all reasonable encouragement should be given to the navy. The trident of Neptune is the sceptre of the world."

20. The next medal was granted March 3, 1805, to Commodore Edward Preble, of the navy, for the gallant action before Tripoli in 1804. We find in the official report high commendation given to a lieutenant with the Maryland name of Trippe, who commanded one of the boats and was severely wounded in that action.

21–42. Some reference should now be made to the medals which are called by the United States Mint Presidential Medals. Of these there are twenty-two—two for General Washington and one for each of the succeeding Presidents except

General William Henry Harrison who died one month after his inauguration.

In 1786 Mr. Kean, member of Congress from South Carolina, moved that medals be struck for presentation to the Indian chiefs with whom the United States should conclude treaties.

The first medal so struck was given to Red Jacket, the great chief of the Six Nations, on his visit to Philadelphia in 1792. It bore on its face the figure of General Washington, with the legend, George Washington, President, 1792, and all subsequent Indian medals have, following this precedent, borne the engraved portrait of the President who approved of the treaty, with the date of his administration, thus making a most valuable and interesting addition to our national historical medals.

More medals were granted during the war of 1812 than at any other period of our history.

The first three were voted January 29, 1813:

43. To Captain Isaac Hull, of the United States frigate Constitution, for the capture of the British frigate Guerriere.

44. To Captain Stephen Decatur, of the frigate United States, for the capture of the British frigate Macedonian, and

45. To Captain Jacob Jones, of the United States sloop of war Wasp, for the capture of the British sloop of war Frolic.

Silver medals, copies of the golden ones voted to these captains, were directed by Congress to be given to the nearest male relatives of Lieutenants Bush and Funk, killed in these actions.

The gallant Captain Decatur was born in Synepuxent, Worcester County, Maryland, and Captain Hull, in his report, highly recommends Lieutenant Contee, of the Marines, for coolness and gallantry.

Next come the medals of

46. Captain Bainbridge, for the capture of the Java, December 29, 1812.

47. Lieutenant McCall, for the capture of the Boxer, September 4, 1813, and

48. Lieutenant William Burrows, for the same action. He was in command of the United States brig of war Enterprise, was killed in the action and was succeeded in command by Lieutenant McCall. His medal was, therefore, voted by Congress to his nearest male relative.

49. The famous victory of Captain Oliver Hazard Perry on Lake Erie added two medals—one to Perry himself, and the other to the second in command

50. Captain Jesse Duncan Elliott, of Maryland, who was thirty-one years old at the date of that action, but, young as he was, had already made his mark by cutting out two British ships from under Fort Erie, for which Congress had voted him a sword of honor. Commodore Perry's old

battle flag, with the legend "Don't give up the ship," is still preserved at the Naval School at Annapolis.

The victory of Lake Champlain was rewarded by three medals—one to

51. Captain Thomas McDonogh, one to

52. Captain Robert Henley, and one to

53. Lieutenant Stephen Cassin.

Then followed the medals of

54. Captain Lewis Warrington, of the sloop of war Peacock, for the capture of the British brig Epervier, April 29, 1814, and of

55. Captain Johnson Blakely, of the sloop of war Peacock, for the capture of the British sloop of war Reindeer, July 8, 1814.

56. The medals of Captain Charles Stewart, of the United States frigate Constitution, for the capture of the British frigate Cyane, and of

57. Captain James Biddle, of the United States sloop of war Hornet, for the capture of the British sloop of war Penguin, complete the list of naval medals granted during the war of 1812.

Captain Charles Stewart was the maternal grandfather of the present famous Irish patriot, Charles Stewart Parnell.

During the same war the actions of Chippewa, Niagara and Erie, in Upper Canada, were rewarded by medals to

58. Major-General Jacob Brown.

59. Major-General Peter Buel Porter.

60. Brigadier-General Eleazar Wheelock Ripley.

61. Brigadier-General James Miller.

62. Major-General Winfield Scott.

63. Major-General Edmund Pendleton Gaines, and the victory of Plattsburgh, by the medal of

64. Major-General Alexander Macomb.

In the official reports of these battles special mention is made of Captain Towson's artillery. I suppose that he is the same gallant officer whose fame has been immortalized by the naming of the capital of a neighboring county.

The next of the army medals of the war was granted for the battle of New Orleans, January 8, 1815, to

65. Major-General Andrew Jackson, "Old Hickory"—"a great democratic victory."

And Congress in 1818 voted medals to

66. Major-General William Henry Harrison, and

67. Isaac Shelby, a Governor of Kentucky, for the battle of the Thames, in Upper Canada, October 5, 1813.

General Harrison was, as has been already stated, the only President of the United States for whom no Presidential medal was struck.

Governor Shelby was born in Hagerstown, Maryland, September 14, 1750. He distinguished himself in the Southern battles in the Revolution-

ary war, and was voted a sword of honor with the thanks of the Legislature of North Carolina. He was Governor of Kentucky from 1812 to 1816, and joined General Harrison at the head of 4,000 Kentucky volunteers and rendered gallant service at the battle of the Thames. He declined to be Secretary of War in 1817 and died in Kentucky, July 18, 1826.

The last medal for this war was not voted until February 13, 1835. It was to

68. Colonel George Croghan, for the defense of Fort Stephenson, August 3, 1813.

Congress does not seem to have found it necessary, to commemorate the battle of Bladensburgh, by the granting of a medal to any of the participants in that brilliant strategic movement.

69. From the end of the war of 1812-15 to the time of the Mexican war, no medals were voted by Congress, as the war with the Florida Indians did not apparently call for any such especial honor; but during this period a medal was struck in France in honor of the treaty of commerce concluded with that country, June 24, 1822. This is in no sense an official medal, but Mr. Loubat classifies it as national by reason of its great historic interest.

70, 71, 72. During the Mexican war Major-General Zachary Taylor received no less than three medals, with the corresponding vote of

thanks of the Congress—one July 16, 1846, for the battles of Palo Alto and Resaca de la Palma; one March 2, 1847, for Monterey; one May 9, 1848, for Buena Vista, and

73. General Scott, the hero of 1812, received his second medal for the actions of Vera Cruz, Cerro Gordo, Contreras, Churubusco, Molino del Rey, and Chapultepec.

All through the reports of these actions we find honorable mention of the Maryland names of Watson, Ringgold, May, Ramsey, Randolph Ridgely, and others of the gallant sons of this old State.

On the 10th December, 1846, the United States brig Somers, one of the squadron blockading Vera Cruz under the command of Captain Raphael Semmes, was struck by a sudden squall, and sunk within ten minutes from the time the squall struck her. The British, French and Spanish men-of-war, who witnessed the disaster, immediately lowered boats manned by brave men, who, at the peril of their own lives, in a raging sea, rescued all but two officers and forty men.

74. Congress passed an act, March 3, 1847, directing that a suitable medal be struck, and presented to the officers and men of these various foreign vessels, in recognition of their gallant and humane conduct.

75. The Martin Costa incident in the harbor of Smyrna, July 3, 1853, resulted in the voting of a

medal to Commander Duncan N. Ingraham, of the United States ship St. Louis. This gallant officer, evidently a firm believer in "a vigorous foreign policy," was informed that Martin Costa, a citizen of the United States, had been claimed as an Austrian subject, was taken as a prisoner and confined on board the Austrian brig Hussar. After polite request for his surrender and a refusal from the Austrians, Capt. Ingraham shotted his guns, anchored within half a cable's length of the brig, which had been by this time reinforced by a ten-gun schooner and three Austrian mail steamers, and sent the following note:

"*To the Commander of the Austrian brig Hussar:*

SIR,—I have been directed by the American chargé at Constantinople to demand the person of Martin Costa, a citizen of the United States taken by force from Turkish soil and now confined on board the brig Hussar, and if a refusal is given, to take him by force.

An answer to the demand must be returned by 4 p. m.

"Very respectfully,

"Your obedient servant,

"D. N. INGRAHAM, *Commander.*"

Costa was then surrendered and sent on shore to the custody of the French Consul.

76. A medal was voted on May 11, 1858, to Surgeon Frederick Henry Rose, of the British navy, for volunteering to act as medical officer of the United States ship Susquehanna, nearly all of

whose crew were disabled and dying from yellow fever, and on July 26, 1866, a medal was voted to

77. Captains Creighton, Low and Stouffer, for saving the ship's company of the wrecked steamer San Francisco, with the Third United States Artillery on board, in December, 1853.

78. With a magnanimity and true patriotic feeling which does honor to the American character, the Congress gave no medal commemorating the battles of the great civil war except the one given to Major-General U. S. Grant by the act of December, 1863, for the victories of Fort Donelson, Vicksburg and Chattanooga.

79. On the 28th January, 1864, a medal was also voted to "Commodore" Cornelius Vanderbilt, in recognition of his free gift to the Government of the steamer which bore his name, and which was valued at $1,000,000. It was provided in the act that a copy of this medal should be placed in the Congressional Library. In his letter accepting the medal, he gives the following good advice to his descendants: "And it is my hope that those who come after me, as they read the inscription of the medal and are reminded of the event in their father's life which caused it to be struck, will inflexibly resolve that, should our government be again imperilled, no pecuniary sacrifice is too large to make in its behalf, and no inducement sufficiently great to attempt to profit by its necessities."

80. On the 1st March, 1871, Congress voted to George Foster Robinson, late a private of Maine Volunteers, $5,000 in money and a gold medal in recognition of his heroic conduct in saving the life of Mr. Seward from the attack of Payne, the accomplice of John Wilkes Booth, on April 14, 1865; but it seems unfortunate that this gentleman could not have been suitably rewarded in some other way, than by a perpetual record of an act, which Americans of all political creeds can now only remember with shame and sorrow.

These three medals are the only ones in any wise connected with that unfortunate war period.

81. On March 2, 1867, Congress voted a medal to Mr. Cyrus West Field, of New York, "for his foresight, courage and determination, in establishing telegraphic communication by means of the Atlantic cable traversing mid-ocean and connecting the Old World with the New."

Mr. Field founded the New York, Newfoundland and London Telegraph Company in 1854, organized the Atlantic Telegraph Company in 1856, and was the active mover in that great project until its final real success in 1867. "Peace has its victories as well as war," and this was assuredly one of the greatest.

82. On the 16th March, 1867, a medal was voted to George Peabody, "for his great and peculiar beneficence in giving a large sum of

money, amounting to $2,000,000, for promotion of education in the more destitute portions of the Southern and Southwestern States."

Before a Baltimore audience it would be superfluous to make any eulogy upon the character and good deeds of that great philanthropist.

It may be of interest, however, to give an extract from his letter to Mr. W. H. Seward, Secretary of State, acknowledging the receipt of the medal.

"Cherishing, as I do, the warmest affection for my country, it is not possible for me to feel more grateful than I do for this precious memorial of its regard, coming, as it does, from thirty millions of American citizens through their representatives in Congress, with the full accord and co-operation of the President.

"The medal, together with the rich illuminated transcript of the Congressional resolution, I shall shortly deposit at the Peabody Institution, at the place of my birth, in apartments specially constructed for their safe keeping, along with other public testimonials with which I have been honored. There, I trust, it will remain for generations, to attest the generous munificence of the American people in recognizing the efforts, however inadequate, of one of the humblest of their fellow-countrymen to promote the enlightenment and prosperity of his native land."

This feeling acknowledgment by this great and good man of the honor conferred upon him, becomes all the more striking when we recall the fact that he respectfully declined a baronetcy and the Grand Cross of the Order of the Bath, tendered him by Queen Victoria in recognition of his munificent charity to the London poor.

83. The loss of the steamer Metis, 31st August, 1872, was commemorated by a medal granted to the crews of a life-boat and fishing-boat, who saved the lives of thirty-two persons from the wreck.

84. John Horn, Jr., of Detroit, by vote of June 20, 1874, received a medal in recognition of his extraordinary record of having, at different times, saved the lives of more than 100 *persons* from drowning.

85, 86. Congress, by the act of June 16, 1874, authorized the striking of medals in commemoration of the Centennial celebration at Philadelphia in 1876, and two were struck at the expense of the Centennial Board of Finance for sale and distribution.

We come now to a class of medals distinctly national in their character, but so multiplied in number that it is impossible here to do more than refer to them.

87, 88. On the same day, June 20, 1874, that the medal was voted to John Horn, Jr., Congress passed the following act:

"*Resolved*, That the Secretary of the Treasury is hereby directed to cause to be prepared medals of honor, with suitable devices, to be distinguished as life-saving medals of the first and second class, which shall be bestowed upon any persons who shall hereafter endanger their own lives in saving lives from perils of the sea, within the United States or upon any American vessels.

"*Provided*, That the medal of the first class shall be confined to cases of extreme and heroic daring, and that the medal of the

second class shall be given to cases not sufficiently distinguished to deserve the medals of the first class.

"*Provided,* That no award of either medal shall be made to any person until sufficient evidence of his deserving shall be filed with the Secretary of the Treasury and entered upon the records of the Department."

Many brave men have earned and received this medal since the passage of this act.

It is a fact scarcely known outside of the army and navy, that our Government gives a medal or decoration exactly equivalent to the Iron Cross of Germany, the Victoria Cross of England, or the Legion of Honor of France, for distinguished military valor, and it is a singular and remarkable tribute to the modesty of the recipients that the country at large has heard so little on the subject.

The necessity and fitness of such rewards for valor has been recognized by all nations, and no reward is more highly esteemed by military men than a personal decoration for distinguished bravery.

General Washington by a general order at Newburg, August 7, 1782, provided, that for any singularly meritorious action reported by a board of officers, men should have their names enrolled in the book of merit, and should wear a heart in purple cloth or silk, edged with narrow lace or binding, and when so decorated should be permitted to pass all guards and sentinels, which officers are permitted to do.

During the Mexican war officers were rewarded by brevets, and deserving privates by certificates of merit and $2 additional monthly pay.

89. But during the Civil war these makeshifts were abandoned, and the Acts, of July 12, 1862, and March 3, 1863, provided that medals of honor should be given to such officers, non-commissioned officers and privates who have most distinguished, or may hereafter most distinguish themselves by gallantry in action. Up to the end of the war in 1865, 330 of these medals had been given and some 300 more have been given since that time.

90. The acts of December 21, 1861, and July 16, 1862, made similar provisions for the navy, but excluded commissioned officers.

The writer was informed by a distinguished naval officer that 338 of these medals were given during the war and 113 since.

This concludes the list of National Medals properly so-called: but there is another one that ought to be in existence, voted as far back as 1857 to the celebrated Arctic explorer, Dr. Elisha Kent Kane. This distinguished naval officer died at the early age of thirty-seven years, and it was only after his death that the medal was voted.

The Superintendent of the Mint in a letter under date March 5, 1887, says, "The Dr. E. K. Kane Medal was not struck at the Mint, but I am informed that it was manufactured in New York."

The writer has not as yet, however, been able to obtain any reliable information about it.

A large number of other medals have been struck at the Mint. Some of them by order of State Legislatures, called sub-national medals; some of them for private individuals. Many of these are of great historical interest, but not being national in the sense of being voted by Congress, they do not come within the scope of this paper.[1]

But there is a class of medals, badges or orders growing out of our various wars which should be briefly mentioned. The oldest of these is the Order of the Cincinnati.

This society was formed by the officers of the Revolutionary army at the cantonments in Newburg on the Hudson in May, 1783. The original institution adopted at that time thus describes the purpose of its formation:

"To perpetuate therefore as well the remembrance of this vast event (the Revolution) as the mutual friendships which have been formed under the pressure of common danger and in many

[1] Congress has in various instances, in granting a gold medal to successful commanders, ordered that a silver medal should be given to each of the subordinate commissioned officers engaged in the action. But as these silver medals are simply copies of the ones in gold given to the commanding officers, they are not here separately enumerated, all being of the same design, and therefore to be considered as but one medal, exactly as the numerous life-saving and Army and Navy Medals of honor are all reproductions of one original.

In the cases of Colonel John Stewart and Colonel de Fleury, subordinate officers at Stony Point, the resolution of Congress thanked them by name, and two distinct medals were struck, one by Duvivier and the other by Gatteaux, each having its separate and original design, and neither bearing any resemblance to the gold medal of Gen. Wayne.

instances cemented by the blood of the parties, the officers of the American army do hereby in the most solemn manner associate, constitute and combine themselves into one society of friends, to endure as long as they shall endure or any of their eldest male posterity; and in failure thereof the collateral branches who may be judged worthy of becoming its supporters and members."

The principles which are declared to be immutable are: to inculcate to the latest ages the duty of laying down in peace arms assumed for the public defense in war; to perpetuate the mutual friendships commenced under the pressure of common danger; and to effectuate the acts of benevolence dictated by the spirit of brotherly kindness towards those officers and their families who unfortunately may be under the necessity of receiving them.

The society declared to be eligible all commissioned officers of the army and navy of the United States, who left the service with reputation, and foreign officers not lower in rank than colonels or captains in the navy ranking as colonels. The original membership was about 2,000, with General Washington as President as long as he lived; the present membership is however not over 500. The Hon. Hamilton Fish is the present President-General, and the Hon. Robert M. McLane President of the Maryland State branch.

The bald eagle carrying the emblems on his breast was chosen as the insignia of the order, and the medal was made in Paris by M. Duval,

after designs prepared by Major L'Enfant. Dr. Franklin, who was later elected an honorary member of the society for life, did not approve of this selection for the following reasons, expressed in a letter to one of his family:

"For my own part I wish the bald eagle had not been chosen as the representative of our country; he is a bird of bad moral character, he does not get his living honestly. You may have seen him perched on some dead tree where, too lazy to fish for himself, he watches the labor of the fishinghawk, and when that diligent bird has at length taken a fish and is bearing it to his nest for the support of his mate and young ones, the bald eagle pursues him and takes it from him. With all this injustice he is never in good case, but like those among men who live by sharping and robbing, he is generally poor and often very lousy. Besides he is a rank coward; the little king bird, not bigger than a sparrow, attacks him boldly and drives him out of the district. He is, therefore, by no means a proper emblem for the brave and honest Cincinnati, who have driven all the *king birds* from our country, tho' exactly fit for that order of knights which the French call Chevaliers d'Industrie."

The medal is, however, a very handsome piece, and was the only foreign order allowed to be worn by French officers at the French Court. Many members settled on the land granted to them in the West for their services in the war, and General St. Clair and Colonel Sargent, two original members, named their three pioneer log-cabins, at the junction of the Licking and the Ohio, after their society, and so gave it a flourishing god-child in the city of Cincinnati.

The civil war produced the military order of the

Loyal Legion, which is, I am informed, founded on exactly the principles of the Cincinnati, including the hereditary feature which has been so much criticized. It is confined to commissioned officers and numbers over 5,000. General Sheridan is the present Commander, succeeding the late General Hancock. Their medal also represents the bald eagle on a six-pointed star.

The Grand Army of the Republic, also an outcome of the civil war, is intended to be a charitable organization for officers and men. They are very important in numbers and have a handsome bronze badge.

The Mexican war originated the Aztec Club and the Association of the Mexican veterans, and I understand that a badge has been adopted called the *Order of the Cacti*; but this I have never seen, nor any description of it.

But none of these can be considered as national medals, inasmuch as none of them have ever received any direct Governmental recognition. Congress, however, by the act of July 25, 1868, authorized the wearing of army corps badges on occasions of ceremony.

The really national medals may, therefore, properly be limited to the eighty-three already enumerated[1] granted by order of Congress, and, extra-

[1] Unless the historical importance of numbers 13, 14, 15, 16, 17, 18 and 69 gives them the national character which they lack by reason of not having the sanction of a Congressional resolution.

ordinary as it may seem, there does not exist in any public department of our Government—not even in the Mint itself—any complete collection of them.

In 1855 the Mint was authorized to strike copies for sale, and it was then discovered that nearly all those of the Revolutionary epoch were missing. Most of these were, however, obtained from Paris by the courtesy of the French Government, which, more zealous than our own authorities, had preserved them, and new dies were struck at our Mint.

There are, however, three not yet at the Mint —those of General Wayne, Lieutenant-Colonel Stewart and Major-General Nathaniel Greene; but, after a three years' search, authentic copies have been procured and are now the property of Mr. T. Harrison Garrett, of this city—a member of this society.

The city of Baltimore earned the name of the Monumental City, because of her taking the initiative in honoring the memory of Washington by the beautiful marble shaft which is to-day one of her greatest ornaments, and the erection of other historic memorials, and it would seem to be especially fitting that from the city of Baltimore should begin the action which will cause these medals to be properly preserved, and placed on record in all the public departments, and in every State and Territory in the Union.

The larger projects of Dr. Franklin, Thomas Jefferson and John Jay, already mentioned in this paper, did not, it is true, meet with the approval of Congress so far as we know; but the modified scheme embodied in the joint resolution prepared by your committee and already read to you, if it fails now, can be tried again in the next Congress.

For these are the heirlooms of the Republic. They were given by a grateful country "*in perpetuam rei memoriam*," and they record men and things, which this people must not allow to pass into oblivion.

Here in these fourscore little pieces of metal, is an epitome of the history of the United States. Her victories in war and in peace, the achievements of her sons in the arts and sciences, and the munificence and patriotism of her citizens, in the hour of their country's need all are recorded here.

And although they may be but the dry bones of history, they are the visible material object lessons which every American child, learning his country's history should be familiar with.

And when some Dr. Schliemann of the future, in taking an archæological tour in company with Macaulay's New Zealander, may commence his excavations on the site of the ruined capital of some State, to-day the newest of western terri-

tories, he shall exhume, stamped on imperishable metal, in this collection of national medals, the history of the United States. He will not know the fact, nor perhaps will we, but none the less its existence there will be due to the efforts of the Maryland Historical Society, if it succeeds in accomplishing even partially, the work that was left unfinished by Benjamin Franklin, Thomas Jefferson and John Jay.

APPENDIX.

At the regular meeting of the Maryland Historical Society in April, 1885, the attention of the Society was called to the fact that no complete collection of the National Medals voted by Congress was known to exist in any of the departments of the government although a number of them were preserved in some form at the United States Mint in Philadelphia.

Considering that in the interest of education and for historical reference, the preservation and publication of these medals is an important national matter, the Society then passed a resolution constituting a committee for the purpose of investigating the subject, and taking such steps as they might deem proper to bring it to the notice of the general government.

This committee was composed of Messrs. T. Harrison Garrett, Lennox Birckhead and Richard M. McSherry, the latter being the chairman.

After some correspondence with the officials at the Mint, the committee concluded that the first practical step was to obtain the originals or authentic copies of those medals which are not and never have been at the Mint.

These are but four in number, namely, those of General Wayne, Colonel Stewart and General Greene, all originally struck in France, and that of Doctor Elisha Kent Kane, which has never been struck at all, so far as the committee can discover.

After a two years' search, involving much correspondence, one of the committee got intelligence of the existence of authentic copies of the Wayne, Stewart and Greene medals, and these copies are now in Baltimore, the property of another member of the committee, Mr. Garrett.

Immediately after procuring these copies the committee prepared the following resolution, which was offered in the House of Representatives January 30, 1887, by the Hon. Jno. V. L. Findlay.

JOINT RESOLUTION authorizing and requiring the Secretary of the Treasury to have struck copies of certain medals and to deliver the same to certain departments and to the various States and Territories.

Whereas, at various times by order of the Congress of the United States, National Medals have been issued in commemoration of great national events, deeds of valor of our naval and military heroes, important public services by citizens, and the administration of our Presidents.

And whereas, it is believed that no complete set of these medals is in the possession of the United States Government in the Mint or elsewhere.

And whereas, in the interest of education and for historical reference, their careful preservation in some form accessible to all citizens, is most important as exact memorials of events and personages notable in our national history, and to be remembered with patriotic pride.

Now therefore be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

That the Secretary of the Treasury be and is hereby required to have struck off at the United States Mint complete sets of all the National Medals of the classes above named.

And in case a die or copy of any of such medals is not in the possession of the Mint, then the Secretary of the Treasury is hereby required to procure the original medal, or an authentic copy thereof, and to prepare a new die making an exact reproduction of the original.

And the Secretary of the Treasury is hereby authorized and required to distribute these complete sets when made as follows:

One set in the original metal as first issued, to all executive departments of the United States Government at Washington.

One set in bronze to each of the States of the Union and the Territories, to be by them preserved accessible to the public in such form as the various Legislatures may prescribe.

And the cost of dies, material and distribution shall be defrayed by the United States Mint at Philadelphia out of its contingent fund.

This resolution was submitted to the Director of the Mint who approved of it, and was referred to the committee on coinage, weights and measures, and the only member of that committee who was referred to on the subject expressed himself as strongly in favor of it.

Time, however, did not allow the resolution to be reported by the committee on coinage, &c., and voted on by Congress, but there was no reason to apprehend any opposition to the measure, especially as the Director of the Mint estimated that the expense would be very small, and could be defrayed by the Mint out of its contingent fund.

It is the intention of the committee to have the resolution again presented in the next Congress. And the object of the chairman of the committee in preparing this paper, was to put clearly before the Society the purpose and scope of the resolution, and to set forth what seems to him its great historical and educational importance, in the hope that every person who reads the paper may lend his influence and assistance towards the accomplishment of so worthy a project.

THE LAYMAN IN LAW.

An Address Delivered Before the Catholic Association of Baltimore City, 11th of November, 1890.

THERE are three professions, ordinarily called the learned professions, and sometimes called the three black graces—Law, Physic and Divinity. To Divinity is assigned the care of the soul; to Physic, the care of the body; and to Law, the care of life, property and all man's material and worldly affairs.

And they are always mentioned in the order named. I suppose because as in great ceremonial processions, the greatest comes last, and that profession, itself earthly, which cares only for the things of earth, takes the humbler place ahead of the professions which provide for the welfare of the man corporeal, and the man spiritual.

Certain it is, that while all good men recognize the necessity of religion for the soul, and of medi-

cine for the body, they do not so clearly see the beneficent effect of law, and the labors of the family lawyer are apt to be regarded with critical, not to say suspicious, scrutiny, where the ministrations of the parish priest and the family doctor are accepted in the fullest faith and confidence.

Now, no minister of any religion teaches that religion alone will save the soul. "Faith, without works is dead." The active co-operation of the man must supplement the ministration of the church; and each man must work out his own salvation.

No doctor, however learned, can cure by science alone. The patient, on his side, by strict compliance with regimen and by a general knowledge and practice of the laws of hygiene, must co-operate with his physician if he would be cured. The science of medicine will do little good to the man who will not, as far as he can, be his own doctor. Indeed, it is said that every man, after forty years of age, must be a physician or a fool.

The science of law needs as much, or more, than either divinity or physic, the active co-operation of all who would feel its beneficial effects. In these United States it is "of the people, by the people, and for the people," and there is no person here present who can not, if he will, be an actor in the creation of such new laws as he considers for the interest of the community, as well as a law-abiding

citizen, a supporter and defender of the good laws that do exist.

In Shakespeare's King Henry VI the rebel Jack Cade promises his followers that he will overthrow the government, and give the people a millenium, where all men shall have the good things of earth. Dick, the butcher, one of his ardent supporters, immediately exclaims, "*The first thing we do let's kill all the lawyers.*" Whereupon Jack answers, "*Nay, that I mean to do.*" I hope that to-day public sentiment against the legal profession, is not quite so strong as Shakespeare would have us believe it was in the time of Henry VI, and that the American public does not consider that the violent removal of all lawyers would be so great a public benefit as Jack Cade and Dick the butcher promptly agreed that it would be. Still, there is in our world a considerable amount of antipathy to law and lawyers, and not a few people look upon law as a mysterious monster, an unavoidable but disagreeable factor in the affairs of life, which wise men will have as little as possible to do with, and Dean Swift comes very near voicing a popular sentiment when he says, "Law is a bottomless pit; it is a cormorant, a harpy that devours everything." In the realms of fiction, poets, novelists and playwrights always choose the lawyer as the villain of the story. In his wicked brain, is concocted the diabolical plot that entraps the unwary;

makes the innocent appear guilty, and robs the rightful heir of his inheritance; and the devil himself is said to be the lawyer's patron saint.

Notwithstanding all this, there are a number of respectable men of some education and position, in the United States, and here in this city of Baltimore, who have adopted this wicked profession, and, as judges, advocates, solicitors and attorneys, earn, more or less, daily bread by the practice of it. To them I do not speak. Let us hope that they are able to take care of themselves, or, in the last resort, may address themselves to their patron saint. What I have to say is addressed to those who are called laymen, men not "learned in the law," as the technical phrase goes, but whose whole lives from the cradle to the grave, is controlled by the laws of the land, and to whom law is the guide and ruler in the social and material order, as is religion to the professing christian in the moral and spiritual order. And this class comprises the whole community, except the habitual criminal and law breaker.

Law is simply the result of the combination of all the good people in a community to protect themselves against the bad. And the great body of rules of action to which we give the general name of law, has grown with the growth of the world, as the wisdom of each succeeding age discovered and crystalized into precepts, that doctrine,

which the experience and judgment of the good men of the time declared to be most conducive to the protection and welfare of the good, and to the control and punishment of the bad.

And as this process is always going on, and as the audience which does me the honor to hear me this evening, is composed I am sure of the wise and the good, who are all of necessity among the law makers of to-day, as I shall presently endeavor to show, I will give a short account of the evolution of law, and the great part therein which is the work of the layman as a law maker.

There are certain instincts not the result of reason, but like axioms in mathematics, self-evident truths to each individual, which may be considered the beginning of law. The protoplasm or primordial germ from which it has been evolved.

These instincts are natural laws which even the brute creation shares with man. Such, for instance, as the protection and feeding of the young by the mother and the right and duty of each individual to protect his life, &c.

The savage man, the first man Adam, received his laws direct from the Almighty. The first contract, the contract of marriage, was sanctioned and ordered by Him, and by Him directly was ordered the punishment for the first torts, the eating of the apple by Eve, and the murder of

Abel by Cain. And so law and religion were one and the same, or at least the observance of law was a necessary part of religion. And the revealed law as contained in the Bible, and the natural law implanted in every man by the great Creator Himself, form that first great body of laws which as Blackstone says, "is dictated by God Himself, and of course superior in obligation to any other. It is binding over all the globe, in all countries and at all times; no human laws are of any validity if contrary to this, and such of them as are valid, derive all their force and all their authority mediately or immediately from this original."

The ten commandments are laws to all Christians to-day, as much as they were to Moses on Sinai, although the new revelation of Christianity has eliminated from the Mosaic law the harshness and rigor expressed in the old severe doctrine of "an eye for an eye and a tooth for a tooth," and substituted in its place the gospel of love and forgiveness. Justinian reduced the Roman law to three precepts: "Honesté vivere, alterum non lædere, suum cuique tribuere," that is, to live with decorum, to hurt nobody, and to give to every man his due. These precepts certainly teach nothing in conflict with the law of either the old or new testament.

Passing over then the long contest between might and right under the feudal system, we come

to the time and the country when and where began that which we call the common law, the direct ancestor and progenitor of our common law.

This common law is the law made by layman, not by rulers nor by lawyers, but by the people themselves as circumstances and times changed, and as necessity created new customs and new rules for governing communities.

The divine law, the law of nature, is fixed and immutable; it is the foundation of all; but on this our Anglo-Saxon ancestors have super-added another great principle: that the good of the people is the supreme law, "Salus populi suprema lex," and from the earliest times to the present day, they and their descendants on this side of the water, whenever they found out what they believed to be the greater good of the greater number, like Captain Cuttle, they made a note of it, and had it made a law *peaceably if they could*, and if not peaceably then some other way.

It would be far beyond the scope of this paper to attempt even a sketch of the progress of English law from the time of Alfred the Great to the American Revolution; but the changes that were made were all brought about by the action of the people, who wrested from unwilling kings, such charters, laws or statutes as they, the people of England, demanded as their right.

Of this period I shall select one shining example as an illustration, Magna Charta, generally called the great charter of English liberties, a document so essentially the work of laymen, that only three of the twenty-six signers were able to write their names, all the others simply making their cross-mark in place of their signatures. The ancient British laws were first translated into Saxon, and published about the year 600, under Ethelbert; and the judicial code of England, at the time of the Norman conquest in 1066, was the collection commenced by Alfred, continued by Canute and Edgar, and completed by Edward the Confessor. All these laws were made by the people, at their general councils or parliaments which had been held in England from immemorial time. King Alfred obtained for a perpetual usage that these councils should meet twice in the year, or oftener if need be, "to treat of the government of God's people, *how they should keep themselves from sin, should live in quiet, and should receive right.*" (What a fine motto this would be to ornament the walls of the State House in Annapolis.) So that it was always considered the privilege and the duty of the English people, to resist any encroachment on their ancient laws and liberties, and to demand such new ones as they needed.

The Norman conquest was a great and well-

nigh fatal blow to the liberties of Britain. The power of William the Norman was that of a conqueror, and he ruled as a victor, to whom belonged all the spoils of the vanquished. The laws which he made looked only to the supporting of the royal power, and superseded the ancient laws of the people, just as the Norman adventurers superseded the ancient owners of the land.

When the whole people of a country are satisfied that laws are bad, it is only a question of time when those laws shall be done away with. Discontent grows to agitation and agitation brings repeal. The true republican idea, the right of men to be well governed in accordance with the best interest of the community, is natural justice which men appreciated in the eleventh and twelfth century as they do to-day, but the voice of the masses could not make itself heard with the ease and certainty of the nineteenth century, and a republican form of government.

The church was the real mouthpiece of the people, and the barons made common cause with it. All through the reigns of William I., William Rufus, Henry I. and Stephen, repeated attempts were made to force these sovereigns to restore the ancient liberties. When the King was weak he promised and never performed; when the King was strong he would hear no reason, exactly as in

the old rhyme, which tells us that: "When the devil was sick, the devil a monk would be, but when he became convalescent he thought better of it."

Finally, under Henry I., about the year 1100, was granted a charter wherein it was declared "*that the church should be free and that evil customs should be abolished*," and indeed it mentions the greater part of those privileges which were confirmed a century later by King John in Magna Charta.

This King was an usurper. Prince Arthur, the son of his older brother, Geoffry, was the rightful heir to the throne, and John and his supporters, to make his cause popular, began his reign with the promise of reform. He promised to restore those liberties the people so earnestly desired, to confirm the charter of Henry I. and to renew the laws of Edward the Confessor.

Human nature has not changed greatly in all these centuries. We have ourselves some practical knowledge of the fact, that the promises of reform, made by a party, at the beginning of the political campaign, are not always strictly carried out when the time comes for their fulfilment *after* the election. And so it was with King John; like all his predecessors, he wanted laws that were good for the King, and not laws that were good for the Kingdom. To repeated demands for the promised

reform he gave evasive answers, and it was soon evident that of his own free will nothing would be done. But he had to deal with *men*; men who knew their rights and knowing dared to maintain them. When he wanted to invade France, in 1213, the Barons all refused to attend him as he was an excommunicated man, and he seems to have been destitute of other aid and driven to desperation. Matthew Paris relates that he sent an embassy to the King of Africa (*sic*) with an offer of the Kingdom of England to be held as tributary from him, and a promise that he would apostatise and become a Mohammedan, provided that aid should be given him against his disloyal subjects.

His excommunication and the interdict upon the Kingdom lasted six years, when he concluded to submit to the inevitable, and received from Stephen Langton, Archbishop of Canterbury, absolution from his excommunication after taking the following oath, administered to him by that prelate:

"That he would diligently defend the ordinances of the Holy Church, and that his hand should be against all her enemies, *that the good laws of his ancestors especially those of King Edward the Confessor, should be recalled,* and the evil ones destroyed, and that his subjects should receive justice according to the upright decree of his courts."

But even after this he endeavored to temporise and put off the evil day, and the year 1214 passed

away without any appearance of the liberties of Magna Charta being instituted. On the 20th of November of that year, Saint Edmund's day, a meeting of the clergy and Barons was held at St. Edmund's Bury, to formulate their demands and prepare for their enforcement. The old charter of King Henry the First, as was the custom of those days, had been sent in the year 1100, the year of its promulgation, to all the counties and copies deposited in the principal monasteries. One of these copies was produced at this meeting by Archbishop Langton, who stood at the high altar and gave the sanction of Mother Church to the oath of the Barons. They swore "that the King should immediately grant and confirm the old laws and liberties by a charter under his seal, or that they would withdraw themselves from his fealty, until they should gain the satisfaction they desired, and that after the Nativity of our Lord they should come to the King in a body to desire a confirmation of the liberties before mentioned."

At the feast of the Epiphany in the year 1215 they appeared before the King at the New Temple Inn in London. To quote the words of the historian Matthew Paris. "Here then came to the King the aforesaid great Barons in a very resolute manner, with their military dresses and weapons, almost demanding the liberties and laws

of King Edward, with others for themselves, the Kingdom, and the church of England, to be granted and confirmed according to the charter of King Henry the First, contained in the before-mentioned writing." They asserted moreover that at the time of his absolution at Winchester, those ancient laws and liberties were promised, and that he was obliged to observe them by a special oath.

"*But* the King hearing that the Barons were so resolute in their demands was much concerned at their impetuosity; when he saw that they were *furnished for battle*, he replied that it was a great and difficult thing which they asked, from which he required a respite until after Easter, that he might have space for consideration, and if it were in the power of himself, or the dignity of his crown, they should receive satisfaction. But at length after many proposals the King unwillingly consented that the Archbishop of Canterbury, the Bishop of Ely, and William Marshall should be made sureties and that by reason of their intercession on the day fixed he would satisfy all."

The slippery King had done nothing when Easter day arrived, and again endeavored to gain time by asking for a further account of "those laws and liberties so earnestly desired." The Barons returned him a schedule of the requests, but being by this time in that frame of mind,

which the plain but picturesque English of our day describes as "*fighting mad*," they informed him, that if he did not at once keep his word, they would force his lingering consent by seizing upon his fortresses. To this the King answered, with a passionate oath, "that his consent would never be yielded to liberties which would involve his prerogative in slavery."

Here was the issue sharply made. On the one side the King, who wanted only such law as was good for kings and their immediate courtiers and beneficiaries. On the other, the people of England, headed by the churchmen and most of the barons, who wanted "the ancient laws and liberties of the people."

They acted promptly, having elected Robert Fitzwalter, Baron of Dunmow, their leader, under the modest title of "Marshall of God and the Holy Church." The army marched to Bedford, captured the castle there, and proceeded to London, where the citizens had agreed to deliver up to them one of the city gates. Before the King was even aware of their movements, they had entered the city of London at Aldgate, and on the 24th of May, at daybreak, they were besieging the tower of London, where he had fled for protection. Resistance was hopeless now; he yielded, and it only remained to fix the time for the conclusion and ratification of the great charter.

On the 5th day of June, 1215, the conflicting parties met in a large meadow, called Runningmede, or Runnemede, on the Thames, between Staines and Windsor. The popular party was represented by the barons, followed by vast multitudes of people, while the King was attended with but few supporters. On the 15th of June the great seal of England was appended to Magna Charta, which was likewise confirmed by the King's solemn oath.

I have stated with some particularity the progress of the negotiations which resulted in the signing of this great document, because not only does it show what laymen have done as lawmakers, but it is practically a surrender by the King or executive power of a great part of the legal machinery. It confides to laymen exclusively the administration of criminal law; for in criminal cases the jury are judges of both law and fact, and in civil cases makes the juror, who is of necessity "not learned in law," the judge of the facts presented by the evidence. Indeed, the 39th and last article places in the hands of the people the enforcement of this very *Magna Charta*. It provides, that in case the King, or the Justiciaries or bailiffs of the King, or any of his ministers, shall, towards any person, fail in the performance of, or break through these articles, and the offence shall not be redressed without delay, "*the whole community of the land*, with twenty-five of the barons,

shall distrain and distress the King, by all the means which they can, that is to say, by taking his castles, lands and possessions, and in every other manner which they can, until amendment shall be made according to *their* decision."

And the enforcement of all English and American law has ever since been, in the final case, in the hands of *the whole community of the land*, or as we say in good American, "We, the people."

Of the 38 articles of Magna Charta the greater part related to matters which, while they were very live issues, and very real grievances then, have little interest now, except to the student of legal history. The great article, that which is justly called the bulwark of our liberties, is Chapter 29, which, in the original, reads:

"Nullus liber homo capiatur vel imprisonetur ant dissasiatur ant utlagetur ant exuletur, ant aliquo modo destruatur; nec super eum ibimus, nec super eum mittemus, nisi per legale judicium parium suorum, vel per legem terrae."

It is said that law latin is bad latin, but if this is bad latin it is grand law. Hear it in the vernacular:

"No free man shall be seized or imprisoned, or dispossessed or outlawed, or exiled, or in any way destroyed; nor will we condemn him, nor will we commit him to prison, excepting by the legal judgment of his peers or by the law of the land."

This article alone is enough to show why the act is called the great charter, and taken in connection

with the preceding and succeeding articles, it provides for the protection of all the rights of man before the law.

Together, they show how a man can be put upon his oath, declare that until after trial and conviction by his peers or the law of the land, he shall not be treated as a guilty person, and as the last article says:

"To none will we sell, to none will we deny, to none will we delay right or justice."

No man can ask for more than a speedy trial and a fair trial, and here is confirmed his right to both; with a jury of laymen, his peers, to decide the matter, and the protection given by the writ of habeas corpus to his person as an innocent man, until after trial he was pronounced legally guilty.

Of course trial by jury was known and practised long before the time of King John, but it had been greatly interfered with by the introduction by the Normans of trial by battle, as well as by the arbitrary edicts of the King and his bailiffs, the term bailiffs including judges of courts and all degrees of king's officers.

This trial by battle is long since obsolete, but a description of one may interest you as showing the crude ideas of the time.

Each party chose a champion to try his case as he would to-day come to a lawyer, but as a

thick skull was one of the first requisites of a champion, I hope he differed in that respect from the modern lawyer.

A piece of ground sixty feet square was enclosed. The judges of the court of common pleas, in their scarlet robes, and the sergeants-at-law attended. Court began at sunrise, and the champions appeared dressed in armor, but bare-legged from the knees downwards, bare-headed and with arms bare to the elbows. Each was armed only with a stick four feet long and a leather shield. Before beginning the trial they took the following oath: "Hear this, ye justices, that I have this day neither eat, drank, nor have upon me neither bone, stone, nor grass, nor any enchantment, sorcery or witchcraft, whereby the law of God may be abased or the law of the devil exalted, so help me God and His saints."

The fight was bound to last until the stars appeared in the evening, unless sooner terminated by the surrender or death of one of the champions.

I do not know the fee that was earned by these champions, but I imagine that if the law suit of to-day was tried in this manner, lawyers would be scarce. The last trial by battle was waged in the court of common pleas at Westminster in 1571, although an attempt was made to hold one in England as late as the year 1817.

But I have said enough about Magna Charta

to show what law, laymen made in the thirteenth century, and how they made it, and will pass over the many other important and interesting parts of it in defiance of my Lord Coke, who says, "As the gold finer will not out of the dust or shreds of gold let pass the least crumb in respect of the excellency of the *metal*, so ought not the learned reader to pass any syllable of this law in respect of the excellency of *the matter*."

The "liber homo" of Magna Charta, the free man of England of the thirteenth century was, as we have seen, both able and willing to assert and maintain his right to good law. But he differed in one great respect from the free man of America of the eighteenth century. He recognized the divine right of the kings and admitted the existence of the royal prerogative.

The free men of the thirteen American colonies, on the contrary, believed, as we believe, that all men are equal before the law in the political order, as they are before God in the spiritual order, and on the 4th of July, 1776, they declared that

"We hold these truths to be self evident: That all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty and the pursuit of happiness; that to secure these rights, governments are instituted among men deriving their just powers from the consent of the governed."

To maintain these principles they fought our revolutionary war and won it, and on these prin-

ciples they founded the first real republic of the world.

The present federal government of the United States, under which we live, began on the 4th day of March, 1789, when George Washington took his oath of office as first president of the United States under the Constitution, *a charter of liberties*, greater than Magna Charta, the organic law of this land, a document which Mr. Gladstone has declared to be the greatest and most perfect ever drawn by man. This is *the people's law*, a declaration made by the wise and thoughtful of the American freemen, fresh from the field of battle, where they had for seven long years attested with their blood the sincerity of their convictions. And when the constitutional convention in Philadelphia had finished their labors and framed this document, the palladium of American liberty, they submitted it for ratification, not to a sovereign king, but to the sovereign people.

The constitution was adopted on the 17th of September, 1787, by the convention, but the people of each of the thirteen States, in conventions assembled for that purpose, reviewed it, and carefully examined its provisions before final ratification. The first State to ratify was Delaware, on the 7th of December, 1787, and the last, Rhode Island, on the 29th of May, 1790. Our own State

of Maryland came seventh on the list, on the 28th of April, 1788.

The preamble states who are the makers of this law.

"*We, the people* of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

And the second section of the sixth article declares that:

"This constitution and the laws of the United States, which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States shall *be the supreme law of the land*, and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding."

Here is the very pith and marrow of written law, *the architype*, a document which says: I am the test by which all law shall be tried; I am *the law* of the *law*. Neither the judge on the bench, nor the legislature of a State, nor even the constitution of a State, shall proclaim as laws anything contrary to my law.

And the authors of this article, unique, as De Tocqueville says in the legislation of the world, were not princes or rulers, nor judges, nor lawyers, nor bailiffs, nor of any one class, *but* laymen, "*we, the people.*"

I shall not attempt to enumerate the provisions of our constitution. It is, or it ought to be, familiar to every one of you. It proclaims every great principle of law necessary to the government of freemen, religious liberty, the right to legislate, the right of protection to life and property, the right to freedom. For more than one hundred years it has been our "*feste burg*," our strong castle of refuge. A quarter of a century ago differing constructions of its provisions as to State's rights, brought about our civil war, but it stood the shock, and is to-day the glory alike of the vanquished and the victors. Such is the layman's laws of the eighteenth century.

Law is both written and unwritten. I have chosen Magna Charta and our constitution as examples of the people's law in its written form; and we must now say something about unwritten law.

We all know what unwritten law is, and how binding it is. It permeates every stratum of society. It is unwritten law that a gentleman should take off his hat to a lady when he salutes her. No statute enforces this, and no judge has declared it to be law. There is even no penalty enforcible for its non-performance, except that the community will consider the trangressor an ill-mannered fellow. Nevertheless, it is a law we all observe. It is an unwritten law that in the

negotiations preliminary to the important contract of matrimony, the initiative shall be taken by the masculine party, and the formal proposition shall come from him, the feminine party having what is called in law the right of election, after due consideration, to accept or reject the proposed contract. Yet it is fairly argued that both parties being equal, and equally interested in the convenant if made, either party should have the right to open negotiations. I cannot give expert testimony in this regard, having only been married once; but I understand this unwritten law to be well settled, as I have stated it, and universally observed, although I am not aware of any penalty for its non-observance. I once lived in a country where the unwritten law made it obligatory on approaching a house to bring your horse to a walk and shout "Ave Maria" until you received an answer and an invitation to dismount. The penalty for non-compliance, being that the owner of the house might shoot you; and he would be upheld by the community in so doing. As all the travel in that country was done on horseback, this was a law that a traveler very soon learnt and strictly observed, although it was laid down in no statute, and promulgated by no government authority.

There is throughout the world an unwritten law called fashion, which dictates what costume

we shall wear, often in defiance of the laws of hygiene and the lines of beauty. Its rules are generally beyond the grasp of the masculine mind, but the ladies know them and scrupulously observe them. We can all remember some years ago how great was the transformation in the human form divine, made by the discarding of the crinoline or hoop-skirt, when all our womankind became simultaneously and suddenly slender and elegant, in obedience to the mandate of some mysterious, but very potent authority.

In England all vehicles pass to the left, because the driver can see the wheels of both his own and the approaching vehicle. In all other countries they pass to the right. And in both cases these are the unwritten, but well understood laws of the road.

But it is useless to multiply instances of these social customs, which are well understood and well observed. They only differ from the common law in this, that they have not needed for their promulgation and enforcement, a written statute or the decision of a court or law. Custom makes law in the great as in the small affairs of life, and unwritten law in its highest and most authoritative form means those customs which a judicial decision has declared to be so universally known and adopted, that it is the duty of the civil power to enforce them.

Every trade, every profession, every body of men who live constantly in relations with each other, have their own customs, and these become laws whenever they are important enough to be so declared judicially. But it is not the decision which makes them laws. That only formally notifies all men of their existence as such, and what force and effect they have, comes from the agreement, *the consensus* of the individuals composing the trade, profession or society, which has created these customs and lived under them. It is a maxim of law that "cuilibet in sua arte credendum est" which may be freely translated that every man knows his own business best. The law is an eclectic science and picks up information wherever it can find it. That which is called the Lex Mercatoria or the custom of merchants, is a notable example of this, even where such custom differs from the general rules of the common law. If it is a known and established custom it prevails.

This law would uphold me in demanding thirteen loaves of bread from a baker on a contract for a dozen, if I could prove that it was the custom in the bakers' trade to interpret the word dozen as meaning thirteen and not twelve, as is the general meaning of the word. *That is, the people make the custom, and custom makes the law.*

Thus we have seen that laymen have made

both the written and the unwritten law, and they are still making it and will continue to do so as long as free government or free men exist. The good mother who in her nursery decides some complicated case of the right of property in a doll, and awards the possession to the successful litigant while the maternal slipper carries out her sentence on the wrong doer, is a judge sitting both in common law and equity, sheriff, jury and lord high executioner. And every lady and gentleman present is a law-maker, perhaps as unconsciously as the famous French gentleman who had been speaking *in prose* all his life without knowing it.

But to come from the abstract to the concrete. Some twelve or fifteen years ago the Irish people began to exercise a freeman's prerogative as a law-maker. They demanded new land laws, they elected men to parliament who were as able as they were willing to represent their constituents. Against tremendous opposition this organized voice of the people has prevailed, and such changes have been made in the laws, that I was told a short time ago in Ireland, that the master of the situation to-day was the tenant, not the landlord.

Last winter, in this city, the people demanded a new law for licensing the sale of liquor. The opposition to it was powerful, organized and wealthy, but the people met in counsel and

determined that the law should pass *and it did pass.* Many of the gentlemen here present, no doubt, assisted at the meeting of citizens to advocate this law, held at the Academy of Music and presided over by His Eminence, Cardinal Gibbons, a prelate as fearless and as ready to advocate and demand good law for Americans, as was Cardinal Langton to demand Magna Charta for Englishmen. The people of this country and this State became alarmed on the subject of the purity of elections and demanded a law, which provided for an absolutely secret ballot, and *they have it* in the new Australian ballot law.

And the power which makes can unmake. On the first of October last, a law was promulgated making a war tariff in time of peace, protecting the rich at the expense of the poor, and laying an unjust and unnecessary tax on the whole American people for the benefit of a few privileged classes.

Since then the *real law-makers* of the country have met at the polls and they have proclaimed in trumpet tones that the *McKinley Bill* is not the people's law, and over one hundred Congressmen, who voted for it, including Mr. McKinley himself, are doubtless now convinced of the fact that the people know what laws they want, and will have none other.

Every American citizen is a lawyer, and to the exercise of his good common sense, which is the

best guide for human life, we must look for the making of good laws and the unmaking of bad ones. Good law means good government, and bad law means bad government, and the people that create those laws are responsible; *the whole people*, not any one class. *The layman in law* is the "fons et origo," the creating power, and those whom we call lawyers in contra distinction to laymen, are simply his ministers.

Now I do not advocate the extinction of the legal profession, I am sure you will believe me when I say this. A miller will take his flour to a baker to be made into bread, and a tanner will take his leather to a shoemaker to be made into shoes, and the layman's law is generally raw material, which, like flour or leather, requires expert handling before it can be put to its proper use. I think and hope that there is still some room in the world for professional lawyers, but the *real lawyers* are the people of the land, who furnish the raw material, which is sometimes public sentiment, and sometimes popular and general customs, from which all the law of a free people must be made.

Popular sentiment, as we all know, may be a very dangerous engine, until it becomes certain enough and well regulated enough to be declared law. In its crude state it sometimes begets brutal murder under the name of lynch law, which in

the one extreme is as great an insult to real law, as anarchy is in the other extreme.

You have probably all heard an old story of a judge, who, on receiving what he considered an unjust verdict, ordered the clerk of the court to enter a motion for a new trial in the case, and turning to the twelve jurymen, said: "Gentlemen, I want you to know that in this court it takes at least thirteen men to rob a man of his property."

All popular feeling is made more useful by having a little check of conservatism upon it in some form.

The Roman school boys were obliged to learn by heart the twelve tables of the law. In England the confirmation of Magna Charta, ordered that copies of it should be sent to all Cathedral churches and read twice a year to the people. In free America, it should be part of the education of every citizen, to acquire at least a clear understanding of the organic law, laid down in the constitution of the United States, and the constitution of his State. Personally I should be glad to see that a knowledge of the fundamental principles of our government, as set forth in the constitution, should be made a pre-requisite to the naturalization of foreigners, for the functions of the American citizen require intelligence as well as patriotism. And in these days of education,

every man has at hand the means of obtaining for himself and his children, an exact understanding of the institutions of his country.

He may be called on at any time to sit upon a jury, which will have to decide the question of a deprivation of liberty, or even the life or death of a fellow creature. He will have to decide questions of fact involving the property of his neighbors. He may be called on at any time to assist in the execution of the law, as part of a sheriff's posse, or as a militiaman, and he is, directly or indirectly, the maker of the laws which it is his duty to enforce.

Law is to him no abstract alien thing; no arbitrary set of rules laid down by a power, above him and beyond him. It is his own creature, fashioned by himself or his forefathers, and under his own control. If he wants to modify or change it, he goes to his councilman, or his legislator, or his congressman, and directs that it be done, and when done he will see to its enforcement.

Religion and law are the two great conservative forces of the world. Socialists, anarchists, communists, criminals, and evil-doers of all degree regard them both with hatred, tempered by fear. These are their enemies The man who makes law his guide in things temporal, as he makes religion his guide in things spiritual, making it

part of his daily life, active in its enactment and its enforcement, is the *ideal citizen.*

We may never live to see an Utopia peopled exclusively by ideal citizens; but just in proportion to the increase among us of the knowledge of, and reverence and obedience to law, do we approach it. And to attain that "summum bonum" which General Washington in his farewell address described as "the ever favorite object of my heart, and the happy reward of our mutual cares, labors and dangers, the sweet enjoyment of partaking in the midst of my fellow citizens of 'the benign influence of good laws under a free government,'" we must depend upon the patriotism, the intelligence and the activity of the citizen, "the layman in law."

TALKS ON TAXATION IN MARYLAND.

I. The True Basis of Taxation.

II. An Honest Tax Law.

III. The Fifteenth Article of the Bill of Rights.

IV. Home Rule in Taxation.

PREFACE.

The writer does not profess to be an expert on the subject of taxation, but has been for some years an interested student of political economy, of which science the question of taxation is one of the most important branches.

At different times during the past three years, he has written the following papers, and at the request of a number of friends, they are now published in this pamphlet.

While his fellow citizens of Maryland may not find in it anything novel or remarkable, he ventures to hope that this important subject is here presented to them from a point of view from which many have not considered it, and which merits their attention.

Richard M. McSherry.

14 East Lexington St.,
Baltimore, Nov. 28, 1893.

THE TRUE BASIS OF TAXATION.

TAX THE PROPERTY ITSELF, NOT THE TITLE TO IT.

An Address Delivered Before the Taxpayers' Association of Baltimore City, February 3, 1891.

THE 15th article of the declaration of rights made in the Maryland convention of 1867, provides "That the levying of taxes by the poll is grievous and oppressive and ought to be prohibited; that paupers ought not to be assessed for the support of the government; but every person in the State, or person holding property therein ought to contribute his proportion of public taxes for the support of the government according to his actual worth in real and personal property."

In this land of universal suffrage and equality before the law as to life, liberty and property a poll tax serves no purpose. As to the non-assessment

of paupers for the support of the government, that is a mere phrase signifying nothing.

What difference would it make to a *pauper* whether he was assessed or not; and what would the community get by assessing him? But the last clause as to taxation, is no meaningless phrase. Under the interpretation given to it by our law makers, it has been for twenty-four years standing like a sentinel with a fixed bayonet, to warn capital away from the city of Baltimore and the State of Maryland.

The actual worth of a man's real and personal property means its true valuation wherever it may be situated. And a house and lot in the city of London, would be just as fairly included in this scheme of taxation as a house and lot in the city of Baltimore. Now suppose that a citizen of Baltimore owned a house and lot in the city of London which was worth $50,000, and yields an income of $5,000. It would be in strict accordance with the terms of this article of the bill of rights, to say that that citizen of Baltimore must pay to the city of Baltimore for the privilege of owning this house in London, the same tax that he would pay on a property of equal value located in the city of Baltimore.

The State of Maryland and the city of Baltimore would give him no police to guard it, no fire department or troops to save it from destruction in

case of fire, riot or public disorder, no protection of any kind. But if this article is to be literally carried out and taken to be the true theory of taxation, the city of Baltimore would have the right to assess to one of its citizens the value of a piece of real estate in London as part of "his actual worth in real or personal property."

Our legislatures have done some remarkable things, but they have never yet attempted to comply with the requirements of this article to the extent of taxing a citizen of Maryland for a piece of real estate owned by him, but located outside of the State. That is they have not done it directly and openly. Its manifest injustice and absurdity prevents that. But indirectly they have done so in taxing stocks and bonds by a law the enforcement of which has cost our State and city in material prosperity and advancement, ten times what it has paid them in the form of taxes. Take the same London house and put a mortgage on it for $25,000, and divide the mortgage into twenty-five bonds of a thousand dollars each, and every Maryland holder of one of these bonds must pay taxes on them. Let the owner of the house sell it to five Baltimoreans, who incorporate and each own one-fifth of the stock, and the house becomes liable to taxation by the State of Maryland and this city, neither of which ever has, ever will, or ever can assist the owners in any manner,

as to the use, enjoyment or protection of this property.

That is, the legislature through the legal fiction of stocks and bonds as personal property following the person, can bring a piece of foreign real estate under the jurisdiction of Maryland for purposes of taxation. It, of course, does not do so for the purpose of protection, or for any other purpose.

Now, where is the difference in principle that induces our law-makers to think that the real estate outside of Maryland ought to be taxed by Maryland, if it is so owned by several Marylanders, but ought to be free if owned by only one? What potent alchemy is it that transmutes the same property from an untaxable to a taxable thing?

It is the same house in the same foreign city. There it must pay its taxes, and there it ought to pay them; for there it receives the protection of law, police and government, without which it could not exist as property at all.

But a stream cannot rise higher than its source. Our legislatures, groping about in their endeavors to find a fair system of taxation, have been perplexed and misled by this Fifteenth Article of the bill of rights, which is fundamentally wrong, and the people of Maryland will, I hope, take by the beard this hoary old sinner of an article, who has been misleading us all these years, and shake some sense into his old head. We can pass over

his ideas about the poll tax; that hurts nobody; and his drivel about non-assessment of paupers; that means nothing; but a declaration which lays down the fundamental principle on which we must base our system of taxation, must be in accordance with justice and common sense, and if it is not, we must make it so.

Who will say that it is just or reasonable to make a Maryland man pay to Maryland, taxes on property that is located in and entirely protected by another State or another government? He ought to pay to the protecting government where the property is located, and there it will surely not escape. To make this article good justice and good sense, it needs just seven words added to it so that it would read:

"But every person in the State or person holding property therein, ought to contribute his proportion of public taxes for the support of the government, according to his actual worth in real or personal property "*to that government which protects his property.*"

This seems to me to remedy the defect, and give the makers of our tax laws a true guiding principle, and the next question is what is the real and personal property which is to be taken as the basis of taxation. To do this we must set aside all fictions of law, and substitute in their place common sense and natural justice.

The accepted theory of taxation is that every individual should pay to the State for the protection of his person and his property. And the value of life and limb being presumably the same to all men, the quota of each individual is to be measured only by the value of his property.

It would seem, therefore, that the State should fairly demand taxes only on such property as it does actually protect, and not upon property beyond its jurisdiction.

And leaving out the protection of the person, in which every man in the community is equally interested, it is the duty of the citizen to pay taxes upon all property of every kind which the State protects for him.

As between these two parties the State and the owner of the protected property, this contract is simple, equal and definite.

But most, if not all of the United States, endeavor to tax property which, if within their borders, has already paid its full quota; or if without their borders is beyond their power to protect.

This is a result of that composite ownership of property, the most familiar example of which is the lien of mortgages and bonds.

A sees a farm which he desires to purchase, the price is $10,000. A possesses but $5,000, but still

he must have the farm, and he borrows the remaining $5,000 from B, enters into possession of the property and gives B a mortgage promising to pay him $300 per year for interest. A is in one sense the only owner of this farm. He lives upon it and is known to the community as its proprietor, with all the enjoyments and incidents of ownership. But in truth he owns but one-half of that farm, paying what is in reality a rent to his co-owner of $300, and for the privilege of exclusive possession and nominal and legal ownership of the whole, he pays taxes on the half belonging to B as well as on the half which is his own.

Now this may be, according to the circumstances, a good or bad transaction for A and B, but the State, which protects the farm, having received the tax upon the whole $10,000 from A, would seem to have no claim upon B. An agreement by one man to pay taxes on the property of another, is a good and proper contract both in law and morals. Nor is it opposed to public policy, for one citizen may substitute himself to perform for another even the highest of civic duties, the defense of the State in actual warfare.

Bonds, which are but subdivisions of a mortgage made by a corporation, are also affected by the same contract, namely, that the corporation shall pay the entire taxation, for the privilege of owner-

ship and control of a property of which it is not in fact the entire owner.

That part of the earnings of this farm or of the corporation, which goes to pay the interest to the mortgagees or bondholder, has, like the balance of the earnings, been secured by reason of the protection given to the farm or property itself, and the question is whether the recipient of that interest, the beneficiary to that extent of the State's protection, should pay taxes thereon. As to mortgages as such, there is diversity of opinion; but as to bonds, the strong tendency of legislation has been in favor of taxing them, and the courts have sustained the legislative enactments.

Now this either means that a State has a right to double taxation, or that it has the right to base its tax for *the protection of the person* upon valuation of each person's property. Double taxation is repugnant to law and to natural justice. And in the United States at least, it ought not to be argued that the value of a rich man's life is greater than the value of a poor man's.

The strong argument in favor of this tax, is that an individual may, by investing his whole fortune in bonds and mortgages, escape all public burdens, although in fact enjoying the largest income in his community.

Now this presents a case of apparent injustice which requires serious consideration.

But it must be remembered—

1. That he receives this income from a person or corporation who has paid full taxes to the State on the property which has produced such income.

2. That no person or corporation would enter into the agreement to pay such taxation unless they believed the contract was for their benefit.

3. To the State, which has received its full due from the property, the producer of the income, it is immaterial whether the income itself is paid to one man or one thousand men.

And the practical result is that although this class of debts is declared subject to taxation, taxes are collected only on a small proportion of them, because no man willingly submits to double taxation.

Direct taxes, which are laid on property in the hands of the consumer, and indirect taxes which are laid on property not in the hands of the consumer, finally fall on one and the same person, namely, the consumer. No one to-day needs to be told, that the man who consumes no tobacco or whiskey, pays none of the tobacco or whiskey tax. And all duties fall finally on the user of the dutiable articles, although long before they come to his possession the government has received its dues from importer or manufacturer.

And the same is true of land and all visible and material things. The user must finally pay all

that is necessary to be paid to secure the use. Although legislative acts may change the form of the payment, they will never change this fact of the payment being made by the user.

The legal division of property into real and personal, might, for purposes of taxation, be changed so that all property should be classed as real or artificial.

Real property meaning the earth and everything on it visible, material and tangible. This represents everything in existence which has an actual value in use, as opposed to a representative or sentimental value.

Artificial property meaning evidence of claim upon, or qualified ownership in real property, of which another is the legal owner or user. Upon real property, as here defined, all taxes and imposts now really fall; and the legislation which has attempted to divert this fixed trade law from its course has done and can do, little beyond changing the mode of collection.

For this property is the only thing existent of real value, and is the only true basis of taxation. It cannot, to any practical extent, be concealed; its situs is defined, it is susceptible of exact valuation, and that valuation does not change because it has one owner or fifty, or because the ostensible owner is not the real owner. The great agricultural interest of the United States has always

demanded the taxing of artificial property, on the theory that it would be an injustice to them to allow the rich bondholder or mortgagee to escape taxation, but in fact such taxation is an injustice to the land-holding class itself, upon whom it finally falls. There is no article more sensitive to the law of supply and demand than money. The investor who takes the land-holder's mortgage or the corporation's bond, will pay a higher price for an untaxed evidence of debt and a lower price if it is taxed, so that the difference will always fall on the debtor, who is the user and so to speak the consumer.

The problem of equal taxation is one of the most complex of questions, but like all problems it can best be solved by going to first principles and recognizing these facts:

1. That everything of integral value in the world is material, visible and tangible, and only things of integral value can be protected and should be taxed.

2. That the user of a thing must pay for its use.

3. That if he be not the real owner in whole or in part, he may make any contract with his co-owner which is mutually agreeable to them, as to the use of the thing and the payment of taxes.

Governments can only protect visible and material things. For of what avail would be

the bond or the mortgage or the stock certificate, or any evidence of debt, if the property which it represents is unprotected by the State, and its possession not guaranteed to the user by the law of the land? The protection of the piece of paper which is the evidence of debt, the *artificial* property, is no protection, if the real property which it represents be unprotected.

That class of citizens who compose our farmers and farm laborers have, as they ought to have, by numbers and usefulness in the community, an influence in all legislation. And that influence has been almost invariably exercised in the direction of taxing personal, or as it is here defined artificial property.

Their argument is that since real property can not escape taxation neither shall artificial, for all taxation must be equal; and the rich bondholder shall not live in our community with the protection of our government, unless he pays as we do for its support. Now the answer to this is, that a holder of artificial property, even if untaxed, does pay and must pay to the State, in exactly the same proportion with the holder of real property. To take the original example of the farm; A, the borrower, and B, the lender, made their bargain, and both being satisfied it is assumed to be fair and equal. The question of taxation was a part of that bargain and is settled by it, at least so

far as the parties are concerned. How is it as to the benefit and protection that they receive from the State, and their obligation to the State in return?

A, the holder of the farm, pays all the tax and receives the use of all the farm, its profits and its pleasures. B receives a piece of paper called a mortgage and an income of so many dollars. Now what is the use of this piece of paper? Can he grow crops upon it? Can he erect upon it a roof to shelter him? Will he hear the birds sing upon it, or see the flowers bloom? Is there any use or any pleasure in it such as that which A has in his farm? It does represent a sum of money each year, but money has no value except in exchange. A man cannot eat money, nor drink, nor wear it. He may and does exchange it for real things such as have integral value; and he can use this income in so far as he can exchange it for such real things and no further.

If the rich bondholder exchanges his coupons for a yacht, or a horse, or a house, or a picture; on each of these articles he must pay taxes, and so it is of every conceivable thing which his income will enable him to acquire and enjoy; thus in the end each party pays taxes upon exactly the same thing, namely, the thing or things which he holds and uses, and he should be made to pay on nothing more.

The withdrawal of all such artificial property as is now taxed, from the taxable basis, and the necessary increase of taxation on real property that would follow, (unless high license would fill the gap as it does in Philadelphia,) would cause an apparent hardship at the outset; but in fact the result would be that taxation would be exactly equal; no man paying on more or less than he uses and receives protection for, and that no taxable property could be concealed.

And the borrower would demand and receive with his loan, such benefit as he would be entitled to have in the bargain by reason of the certainty of exemption of *artificial* property, and the certainty of taxation on *real* property, meaning the earth and everything material, visible and tangible upon it, *the only true basis of taxation.*

Things ought to be taxed, not persons; and things ought to be taxed equally. Our present law makes the one hundredth part of a Colorado mine taxable in Maryland, if owned by a Marylander in the shape of stock, but exempts the whole mine if he owns it outright. It allows him to own an entire mortgage for $500,000 free of taxation, but would tax him on a bond representing $1,000 of the same mortgage. There is no equality in this law, and no justice.[1]

[1] This address was delivered on the 3d of February, 1891, when mortgages were exempt from taxation.

It is founded on the legal fiction about personal property. Is it surprising that persons who own property outside of this State brought here for taxation in this way, find other legal fictions which protect it? The people who really suffer from this injustice are the widows and orphans who cannot protect themselves. Their estates are in the courts, and that means that they must pay to this State and city one-half of their income as taxes, *and upon property which has already paid its taxes*, either to this State, or the State which protects it. Here is an illustration of the dictum of the Supreme Court of the United States, "That the power to tax involves the power to destroy."

The practical side of this question has been so fully presented to you by Mr. William A. Hammond in his admirable address of last month, that I can add nothing to what he has said on this subject, except to say that I have personally met every winter for many years past, persons of more or less means who came to this city with the purpose of settling here. Not one of them is here now. A few months' residence is always enough to teach them that this city will fine them one-half of their income if they stay here. A few weeks ago I met a gentleman who told me that he had come back to this, the home of his youth, to live, but he had just found out that as all of his property was in stocks and

bonds, he must go to Washington, as he could not afford to live here. And I know of a number of Baltimore fortunes that are now being spent away from Maryland, not because the owners do not love Baltimore, but because they do not love it enough to pay one-half of their incomes for the privilege of breathing its air, and they are not willing to lie to the tax-gatherer.

This is unsurpassed in the United States as a residential city, but the present tax law stands as a warning to capital to keep away from Baltimore, and purely as a matter of expediency and good business it would be to the benefit of the city to repeal it; knock down the Chinese wall we have built around us, and invite the men to come to us who bring with them the life blood of trade, the vitalizing force which makes labor prosperous.

Your vice-president, in an address which every taxpayer ought to read, tells us that in Philadelphia the total assessed value of personal property is three million dollars and in Baltimore it is sixty-three millions. This means total exemption of *artificial* property as I have called it, in Philadelphia, for the furniture of houses, horses, carriages and other visible and tangible personal property there must be worth more than three million dollars.

A tax law based upon the theory that only

visible, material and tangible things can be protected by a government, and therefore constitute the only true basis of taxation, seems to me to mean certainty, equality and justice. And even if no other State has adopted this theory, that is no argument against it. The same objection could have been made to Lord Baltimore's immortal proclamation about religious liberty.

AN HONEST TAX LAW.

NO TAXATION WITHOUT PROTECTION.

An Address Delivered Before the Taxpayers' Association of Baltimore City, on Tuesday, December 6th, 1892.

THE late address of His Excellency Governor Brown, calls the attention of the people of Maryland, to the most important public question which they have to consider, and I am glad to see that it has excited so much interest in the community.

Our tax laws, heretofore framed in accordance with the obsolete and misleading doctrines of the 15th article of our declaration of rights, have had but one object. That object was to tax every conceivable thing that could by any possibility be reached, without any regard to justice or expediency. The last bill of 1890, which the governor

most properly refused to sign, provided, in addition, inquisitorial and oppressive methods of assessment and collection, which would scarcely have been tolerated in Asia, and would never have been submitted to by the people of this State. Turgot said that proper taxation was "plucking the goose without making him scream," but the framers of our tax laws have generally gone simply on the principle of plucking every feather that the goose has on his back, whether he screams or not.

What the people of Maryland need and must have is a system of taxation which shall be certain, equal and just, which recognises the fact that protection and taxation are co-relative; that all property which the State protects ought to pay for that protection, and on the other hand that the State ought not to attempt to tax property which it does not protect. Our forefathers separated from England because taxation without representation was unfair. In the same degree taxation without protection is dishonest, and we want an honest tax law.

We all know that as the State is bound to protect the person and property of its citizens, she must in some form receive from them the means with which to do so.

And as the City of Baltimore and different parts of the State have different interests, it may be

necessary to apply home rule principles and allow each section, as far as possible, to regulate its own taxation in its own interest. For there is nothing sentimental about taxation. Public spirit, whether in the form of philanthropy or patriotism, may induce the good citizen to give his wealth, or even his life, for the public good. But the tax question is pure business, so much protection for so much money, and every man wants to make the best bargain he can for himself in this, just as he would in any other business transaction, without losing sight of honesty and fairness.

As every citizen in the community is entitled to equal protection as to his person, every citizen should pay an equal tax for such protection, which would be a poll tax. But it is very different with property. There is inequality in its value, in the amount of protection given it, and in the cost to the State of affording that protection.

And the honest tax law must recognize the fact, that the protection of the person is a benefit conferred equally on the whole community, and that property ought only to pay where protected, and pay then in proportion to its value.

A great part of the public expenditure is caused by providing public benefits in which every man, woman and child in the community, high or low, rich or poor, share, or have the right to share, in exactly equal proportions. The courts of justice,

the militia and the police are maintained and paid to give equal protection to each and every individual in the community. The public schools are for the education of all children in the district, without any regard to their social status or the amount of taxes paid by their parents.

The streets, the roads, the bridges, the parks, the public squares are common property.

The street lights, gas and electric, like the sun "shine for all."

Now, all these things cost money, everybody enjoys them and everybody needs them. Who ought to pay for them? The logical answer is that everybody ought to pay for them, but the Fifteenth Article of the bill of rights says we cannot have a poll tax, and our present tax law provides that property to the extent of $100 is exempt from taxation, so that the whole burden of providing these expensive and necessary benefits for all classes, falls on that class of citizens who own property worth more than $100.

In foreign cities this inequality is in great part neutralized by indirect taxation, which falls on the entire population. The French system called "octroi" gives to every city a custom house of its own, which collects a tax or duty on every article entering the city, and the consumer in this manner is made to pay on every article of food and every necessary of life, no matter how poor

he may be, for the seller, of course, includes the "octroi" in his selling price.

So the United States, by its tariff, collects indirect taxes from the poorest citizen in the community on whatever imported articles he consumes, as well as such native productions as whiskey, tobacco, &c., subject to internal revenue, thus collecting from the whole country the enormous amount needed for the expenses of the Federal Government.

There is no $100 exemption in the scheme of indirect taxation.

But the class who own property to the extent of $100, or less, are not the only citizens who can enjoy all these public benefits without having to pay for them. The skilled mechanic, the professional man, indeed, every worker who mixes brains with his labor, finds his market and makes his income because he lives in a city or country which has all these marks of civilization, but he does not, of course, pay taxes on his brainwork or handiwork, and he will oppose any law which taxes income, because under our present law he can be taxed only on what he saves and invests, not on what he earns and spends. And if he chooses to live rich and die poor, (which is said to be a characteristic of the profession to which I belong) he may earn a good income, spend it, and never see the face of a tax-gatherer, although

he enjoys to the fullest extent all the benefits and privileges of State and municipal government.

In considering the making of a tax law from a practical standpoint, about the first thing necessary, is to frame it in such a shape that it will suit the voters. The proposed constitutional amendment repealing the Fifteenth Article of the bill of rights, failed to get the popular endorsement at the polls last autumn, because the large class who fear an income tax voted against it, and the larger class, who own no property, or property worth less than $100, was apathetic, feeling no interest in the question. Citizens who own property worth over $100, and who pay all the taxes that support the State and city, were generally in favor of it. Now, what does this property owner get from the State, which every other citizen not a property holder does not get? Why should he pay for all the benefits which are shared equally by the whole community, unless a fair reason can be shown to single out one class and put all the burden of taxation upon it, and exempt all other classes because they have been less fortunate or less thrifty?

And the answer is, all individuals in the community are protected and benefited equally as persons, and should pay equally as persons; but *property* should be taxed for the reason that the man who owns it and enjoys it, does so because

government gives its special protection, and such an owner to that extent receives special and extra benefits from government beyond the protection of the person, which the man who owns no property does not receive. And he ought to pay for it according to the value of the property protected. If Carnegie, Phipps & Co. own a mill which sometimes costs the State of Pennsylvania $21,000 a day to protect, they ought to pay to the State of Pennsylvania taxes on the value of the mill, and if one of their workman owns a house worth $500 he ought to pay taxes on its value. This is justice and equality. A State which gives protection to property worth $5,000,000 is entitled to receive from *that property* ten thousand times the tax which it should receive from the five hundred dollar house, and all property ought to pay to the State which protects it in proportion to its value, and bear the full burden of taxation.

Indirect taxation, such as the French "octroi" or the United States tariff would be impracticable in this State, and in the highest degree unpopular. It would not take the voters long to perceive that they were being taxed for the same benefits, which the State had heretofore always furnished without calling on them to pay anything.

An income tax would be very unpopular with the large wage-earning, salaried and professional classes, and from one point of view would be very

impolitic. A considerable class in the city and State, which includes many of the most prosperous and useful of our citizens, receives income earned from property located in and protected and taxed by other States. To tax them on income derived from such property would be double taxation, and would operate against the city and State in many cases to the extent of causing such income to be spent in other States, where our own people would derive no benefit from it. Every cent of income earned outside of Maryland and spent in Maryland is that much clear gain to the State, and our tax system should encourage such income to come to us, not drive it away.

The great cities of this country and of Europe, have been largely built up by attracting as residents, individuals whose income is derived from property located all over the world. The city enjoying the benefit of the income spent among her own citizens, which is earned from property which she is under no obligation to protect. A striking example was before our eyes at Homestead, when the State of Pennsylvania, at an enormous cost which her taxpayers must provide for, was obliged to protect a property, the income of which is being spent in Scotland, a country which does not and will not spend a cent to protect Mr. Carnegie's mills, while receiving all the benefit of his large expenditure.

The enormous value of land in the City of New York, is caused in great part because she attracts such a large number of wealthy men, whose property is located in, and protected by, other States or countries, but whose income goes to swell the prosperity of that city, and the same is true of the city of Washington, and of the great capitals of the world.

But capitalists are not attracted to cities whose system of taxation is unfair or oppressive. And in these days, when a fortune can be flashed in a few seconds from one country to another by electric wires under the sea, they can transfer their money or stock or bonds, where and when they please, and will always do so when they believe it is to their interest. The mobility of this class of wealth has always prevented, and will always prevent its being the subject of taxation except to a limited extent. Every holder of a mortgage, a bond, or a share of stock knows that the property which it represents has already paid its taxes, and that to tax him on the piece of paper which he holds, is double taxation and dishonest taxation. With equal justice a piece of land could be taxed, and the piece of paper called a deed, which represents the owner's interest in it be taxed also.

No man will submit to double taxation if he can avoid it. And all attempts to tax this representative or artificial property, will result in failure and

driving away of capital, and should form no part of any honest tax law.

Our present bill of rights forbids a poll tax or an income tax, and if it did not the popular vote would defeat at the polls any law enacting them. And we have no means of enforcing an indirect tax such as an "octroi," for our taxation must be direct taxation.

Where then shall we look for the necessary funds to carry on our city and State government?

To my mind the answer seems to be, lay the tax upon the land, and every other form of visible material and tangible property, houses, furniture, horses, vehicles, pictures, everything which has a real material existence within the State and city. This is what the State protects, and except the persons of the citizen it is all that it can protect.

What the State protects must pay for that protection, and no honest citizen will object to this form of taxation.

If we take this solid basis of taxation; property which can not be concealed, the value of which is easily fixed, and the means of collection of the taxes certain and easy, the writer believes that we will come very near to the best solution of the problem. Minor questions, such as taxes on goods in transit, licenses to particular trades, &c., will, of course, arise and have to be settled. But the three requisites which Adam Smith declared to be

necessary for an honest tax law, certainty, equality and justice, are to be found in a law declaring the true basis of taxation to be realty and chattels, the earth, and everything upon it visible, material, and tangible.

THE FIFTEENTH ARTICLE OF THE BILL OF RIGHTS.

THE STUMBLING BLOCK.

AN OPEN LETTER TO THE BALTIMORE SUN, 7TH OF OCTOBER, 1893.

IN the discussion in the late tax convention, the extremists advocating the Hayes bill, (including one enthusiastic delegate who declared that the people of Maryland would have that bill even if they had to get it by bayonets) laid great stress on the antiquity, as well as the justice and wisdom, of the fifteenth article of the Bill of Rights.

They declared it to be the work of our revolutionary forefathers, and, after living under it all these years since 1776, it had stood the test of time, and it was useless for us of to-day to attempt to change our organic law by attacking this venerable doctrine.

It was also stated that the theory of taxation which it proclaims, was taken from the teachings of the great political economist, Adam Smith, in his work on "The Wealth of Nations," which is certainly respectable authority on taxation.

At this time, when gentlemen who intend to go to the Legislature, are informing themselves as to the great questions concerning which they will be called upon to legislate, it seems appropriate to call public attention to this fifteenth article and see what it is and what it teaches.

In the first place it is *not* the doctrine announced in the bill of rights of 1776.

That article reads as follows: "That the levying of taxes by the poll is grievous and oppressive and ought to be abolished; that paupers are not to be assessed for the support of government, but every other person in the State ought to contribute his proportion of public taxes for the support of government according to his actual worth in real or personal property *within the State;*[1] yet fines, duties or taxes may properly and justly be imposed or laid with a political view for the good government and benefit of the community."

Here is a rule for taxation which seems fair enough. It says that excepting paupers, every other person in the State ought to pay taxes,

[1] Italics on this page are the writer's.

according to his actual worth in real or personal property[1] *within the State.*

Now mark the difference between this article and article 15 of the present Bill of Rights, for which we are indebted to the convention of 1851. It reads:

"That the levying of taxes by the poll is grievous and oppressive and ought to be prohibited; that paupers ought not to be assessed for the support of the government but every person in the State, *or person holding property therein*,[1] ought to contribute his proportion of public taxes for the support of the government according to his actual worth in real or personal property; yet fines, duties or taxes may properly or justly be imposed or laid with a political view for the good government and benefit of the community."

Thus the gentlemen who composed the convention of 1851 by adding to the article of 1776 the words "or person holding property therein" and by suppressing the words "within the State" have succeeded in transforming the reasonable rule of 1776 into the unreasonable, impracticable and illogical article (15) of our present Bill of Rights.

The insertion of the words "or person holding property therein" makes every man who buys a piece of property in the State of Maryland owe taxes to the State on all property real or personal,

[1] Italics on this page are the writer's.

that he may own anywhere in the world, even if he never has, and never intends to put his foot within the State. So that if we could induce Mr. Astor or Mr. Vanderbilt to buy a few acres of land here, the State of Maryland would be entitled to collect taxes on all the property that they own everywhere in the world. The State would probably have some trouble in collecting these taxes from these gentlemen, but this article 15 says that she is entitled to them, for did not the convention of 1851 after full debate expressly eliminate the words, "within the State," which, in the article of 1776, qualified the real and personal property on which a man ought to pay taxes.

Again, the suppression of these words makes every dweller in Maryland liable to pay taxes on all property that he may own anywhere in the world; that is, a citizen of Baltimore who owns a house in Philadelphia, or a stock farm in South America or Australia, must pay taxes to Maryland upon those properties. It is no defense to say that taxes have already been paid on them to the State or county in which they are situated, for did not the convention of 1851 say that it is not enough to pay only on property within the State, and in its wisdom strike out the words "within the State," so that it should apply to property everywhere. The theory that a Maryland man ought to pay taxes to Maryland on a farm

in South Dakota which has already paid its taxes to South Dakota, seems very extravagant to the average citizen and taxpayer; but one of the extremists in the tax convention, speaking in favor of rigorous taxation, stated that the Maryland owner ought to be willing to pay such taxes on his Dakota farm to Maryland, for the privilege of living in Maryland. This was said, not jokingly, but in all seriousness, in a speech made by a gentleman of education and intelligence.

The Bill of Rights under which we lived from 1776 to 1851 recognized the principle that there should be no taxation without protection, and as the State could only protect property within its borders, only the property "within the State" should pay taxes.

The Bill of Rights of 1851, affirmed by the conventions of 1864 and 1867, sets up just the contrary doctrine. It declares that every man who lives in Maryland, and every man who owns property in this State, whether he lives here or not, must pay taxes to the State on all the property he owns, whether within or without the State, thus directly reversing the doctrine of 1776 that taxation and protection are co-relative.

There was a protracted debate in the convention of 1851 over the suppression of these words "within the State," but in the vote the majority decided that Maryland needed money and this

was the best way to get it. It is practically an income tax on all income derived from property, but not on income derived from profit or wages. Adam Smith's doctrine is that all revenue is derived from three sources—rent, profit and wages —and the subjects of every State ought to contribute towards the support of the government in proportion to the revenue which they respectively enjoy under the protection of the State. This is certainly not the doctrine of our fifteenth article.

So, to sum up: It is *not* the doctrine of Adam Smith. It is *not* the doctrine of our revolutionary forefathers.

It dates from 1851, not from 1776. Its wisdom and justice can only be understood by persons who think that a citizen of Maryland owning a Dakota farm, ought to pay taxes on it in both states, and that if Mr. Vanderbilt buys a farm in Maryland, he ought to pay to Maryland, taxes on all the property he owns all over the world.

Finally, if the next legislature passes a tax law, they cannot take this fifteenth article for their guide, but on the contrary will have to ignore its provisions entirely, just as every Legislature that has passed a tax law since 1851, including the Hayes bill, has been obliged to do, because no logical or consistent law can be passed under it. Our present law, for instance, provides that if a Maryland man owns the whole Fifth Avenue

Hotel in New York city, and holds a piece of paper called a deed here as evidence of his title, he pays no taxes to Maryland on that property, but if he owns one tenth of the same hotel and holds here as evidence of title, a piece of paper called a stock certificate he must pay taxes on it here. Of course, neither the whole hotel nor the one-tenth of it ought to escape taxation in Maryland, if our law conformed to the constitutional provision of article 15.

It is a legislative monstrosity, unsound in theory and impossible in practice, and ought to be abolished.

HOME RULE IN TAXATION.

EVERY TAXING DISTRICT TO REGULATE ITS OWN TAXATION.

AN OPEN LETTER TO THE BALTIMORE AMERICAN, 18TH OF NOVEMBER, 1893.

DISCUSSIONS of the assessment question are beginning, as a contribution to open the general debate, and Richard M. McSherry, Esq., of this city, writes as follows to *The American*, taking for his text, "Home Rule in Taxation."

Our present system of taxation in Maryland provides a uniform rate of 17¾ cents on each $100 worth of assessable property for the support of the state, which we call the state tax.

But it gives to each county and each municipal corporation the right to fix its own tax rate, so that local taxation varies in proportion to the expenses of carrying on local government. This system is just and logical. All parts of the State are equally

benefited by state government, and ought to pay equally for those benefits. But it would not only be unjust, but impossible, to make the citizens of one county pay, even in part, for the local expenses and improvements in another county controlled by another board of county commissioners.

If, for example, the representatives of the City of Baltimore in the Legislature, advocated the passage of a general law, fixing one tax rate for both state and local taxation, the members from the counties would, of course, refuse to listen to so outrageous an attempt to make them pay a proportion of the expenses of the municipal government of Baltimore.

To this extent we have always had home rule in Maryland. Every County and municipal corporation has the right of self-government: each decides what its own expenditures shall be, and fixes its own rate of taxation; thus, in 1892 the local rate varied from $1.55 per $100 in Baltimore City to 50c. per $100 in Carroll county.

This is good common sense, and good Democratic doctrine. If the people of Carroll county chose to say that they want to spend 50c. per $100 worth of property, to provide for their county government and county improvements, it is their business, and nobody else's. It is their money that is being spent, and it is no concern of the City of Baltimore, nor of any other county whether they are spending

too much or too little. And, of course, the same is true of every city and county in the state.

In other words, Maryland is now, and always has been divided into fixed and designated taxing districts, each controlling its local taxation. As was said by our Court of Appeals in the decision in the case of Daly *vs.* Morgan, 69 Maryland, p. 468, "The responsibility for establishing such taxing districts rests upon the law-making power, and the principle of equality is fully gratified by making local taxation equal and uniform as to all property *within the limits of the taxing district.* Equality and uniformity as between different taxing districts is not required in local taxation."

While these taxing districts have full authority as to fixing their tax rate, regulating their own expenditures, and the right to assess property on their own valuation, they have not by law, the right to designate what property shall be taxed, and what property shall be exempted. And that is the one right wanting to give each taxing district perfect home rule.

This is what the people want: absolute control of local affairs, and surely, if they have the right to say what valuation shall be put upon the property and what rate shall be paid on that valuation, there can be no reason why they should not have also the right to say what property should be assessed. This doctrine of home rule is so intrin-

sically fair, so absolutely reasonable, that it is difficult to see what argument can be produced against it.

Always bearing in mind that assessment and levy for state purposes remain uniform, what possible difference can it make to any one taxing district in the state, in what manner, or on what property, any other district raises its local taxes? What would it matter to Wicomico county if Alleghany county exempted coal mines from taxation? What does it matter to St. Mary's county that Baltimore exempts manufacturing plants? How is Harford concerned in local taxation in Dorchester or vice versa? What earthly reason can there be why each district should not have full power to regulate its own affairs and make its own assessment?

The writer has never yet heard a single argument advanced against the justice and fairness of this doctrine, and agrees with Mr. Alfred S. Niles, who, in his excellent paper on this subject, read about one year ago, before the Taxpayers' Association, said: "I am a home-ruler in tax matters; not because I can see weightier arguments on this side than on the other, but because there seems to me to be no other side." The state of Maryland, for its area, is remarkably diversified in soil, climate, products, industries and interests. And there seems to be an equal diversity among our

people as to their views concerning taxation. There are some who believe that if a Marylander owns real estate outside of Maryland, he ought to pay taxes on it to Maryland as well as to the state where it is located. And there are some who consider this theory absurd.

There are some who think that mortgages should be taxed, and some who think they should be exempt.

Our law provides that if a man owns a lien on property in Maryland, and holds a piece of paper—called a mortgage—as evidence of title thereof, he pays no taxes on it.[1] But if he owns one-tenth of the same lien, and holds a piece of paper—called a bond—as evidence thereof, he must pay taxes.

It provides that the owner of property outside of Maryland pays no taxes on it if his title is evidenced by a deed, but pays full Maryland taxes on it if his title is evidenced by a stock certificate. Some consider that this mode of taxation is reasonable, and some say that it is unreasonable. There are advocates for the exemption of manufacturing plants, and others who believe such an exemption to be a fraud on taxpayers. Some hold that only visible, material and tangible things ought to be taxed, and some, on the contrary, think that

[1] This was written before the passage of the Act of 1896.

nothing which produces income or represents property ought to escape.

Where views so diametrically opposed come into conflict, it seems difficult, if not impossible, to arrive at a basis of taxation to which a majority will agree. But there is a method by which all may be satisfied, and that is to let the General Assembly continue to legislate for state taxation both as to basis of assessment and rate, and to give to each taxing district the right to arrange the local taxation in accordance with what it conceives to be its own best interest in all respects. The cities and the counties differ radically in this respect. These different opinions are generally sectional, the agricultural districts taking one view, and the manufacturing and industrial districts another. And there would probably be little difficulty in arriving at a consensus of opinion in each district.

Of course, every sensible and reasonable change which is proposed in our system of taxation, is likely to conflict with the letter of the fifteenth article of the Bill of Rights, which has disfigured our constitution since 1851, when the constitutional convention of that year reversed the reasonable doctrine of the Constitution of 1776. This is to be treated not as an argument against home rule, but an obstruction to it, which may be removed as so many other obstructions raised

by this same article have been removed, by our court of appeals.

No provision is made in this article permitting exemptions, yet the Court has repeatedly held that the legislature can exempt whatever property it pleases. It sustained the act of assembly of 1888, chapter 98, which gave to the inhabitants of two wards of Baltimore City the right to pay taxes, not upon "their actual worth in real or personal property," but upon a valuation and rate not to be changed for eleven years, and *that*, the valuation and rate of Baltimore county, not Baltimore city, of which they were citizens. Is it not difficult to distinguish this from home rule?

The right of the legislature to delegate the taxing power has never been disputed. As it had the power to fix an arbitrary rate in the Twenty-first and Twenty-second wards, (in conflict with the letter of the fifteenth article), it has the right to delegate that power to Baltimore city, and would have equally the right to delegate the same power to every taxing district in Maryland.

In the single-tax, or Hyattsville case, the Court says:

"We are not to be understood as denying to the legislature the power when state policy and considerations beneficial to the public justify it, to exempt, within reasonable limits some species of

property from taxation. A long-continued practice, nearly contemporaneous in its origin with the adoption of the constitution itself, and many adjudged and carefully considered cases decided by this Court abundantly support that power." If the legislature has the right to exempt some species of property within reasonable limits, it has the right to delegate that power to the taxing districts.

The only question to be decided is, what are "reasonable limits." In the Hyattsville case the Court decided that to exempt all classes of property, with the single exception of land, was unreasonable, and declared the act of the legislature unconstitutional. We may fairly then suppose, that if the legislature sees fit to pass an act delegating to the different taxing districts in the state its sovereign power for local taxation, that the Court of Appeals would uphold such powers when exercised "within reasonable limits." It is impossible to give a strict construction to the fifteenth article of the Bill of Rights. In fact, the more liberally the Courts construe it, the nearer they come to common sense. It ought to be abolished; and with its abolition would disappear the only serious obstacle to home rule in taxation.

The whole theory of our government is based upon bringing government as close to the people as possible. We believe that Americans know how

to govern themselves, and we believe that each section of Maryland knows its own interests and the best way to protect them, and ought to be allowed full control of its local taxation so long as it does not fail in its paramount duty to the State. Give us home rule!

THE PASSION PLAY AT OBER AMMERGAU.

A Lecture Delivered at the Academy of Music, Baltimore, on the 16th of December, 1890, for the Benefit of the Society of St. Vincent de Paul.

Your Eminence, Ladies and Gentlemen:[1]

IN August last it was my privilege to be present at a representation of the Passion Play, at Ober Ammergau in the Bavarian Tyrol, and I appear before you this evening to give you some account of that wonderful performance.

You have all heard of it, and know what it is. Many of you have seen it and these I am sure will agree with me that as a spectacle it is unique in the world, a thing once seen never to be forgotten.

[1] The lecturer was introduced by Cardinal Gibbons.

Its majesty, simplicity and beauty appeal alike to the heart and the imagination. The critical spectator, who regards it merely as an exhibition of dramatic art, sees it here in its highest form, the art of concealing art. The devout Christian sees more, he is carried back two thousand years to the hills and valleys of Judea, and sees enacted before his very eyes the passion of our Lord, as though he were a dweller in Jerusalem in the first century, instead of being a prosaic American citizen of the nineteenth.

To Catholics who have been from their childhood taught the devotion called the way of the cross, and to whom the fourteen pictures which hang on the walls of every Catholic church in illustration of it are familiar objects, I cannot better explain this effect, than to say that if by some miracle, the figures in each picture should start from their frames replete with life and motion, speech and action, and enact before your eyes the scene depicted on the canvas, then you would see the Passion Play.

And here I would say at once that I have never seen any person *who has been present* at a performance of this play, who found anything in it irreverent or unseemly. I heard during the summer many discussions on this subject. Among the great crowd of tourists and sight-seers with whom I was necessarily in daily contact, being myself one of them, the play was a constant topic of conversation.

Many good people declared that their sensibilities would be shocked, by the sight of a man attempting to personify our Lord, and I know of several cases where parties separated for this reason, some going to Ober Ammergau while the rest waited at Munich or elsewhere.

My own feelings were not so delicate. Accustomed as we all are, to seeing every part of the life and passion of our Lord portrayed in painting or in sculpture, I could see no more irreverence in the man Joseph Mayr representing *in his own person* the figure of our Lord, than in the man Joseph Mayr representing in wood-carving the figure of our Lord, which in his trade as a woodcarver is his daily occupation.

I saw in Dresden the painting of the Madonna di San Sisto whose sweet face seems to shine out from heaven itself, and I do not believe that the great Raphael painted this almost inspired picture in a more reverent spirit, than that with which Rosa Lang, the burgomaster's daughter, personates the Blessed Virgin upon the stage of Ober Ammergau.

There was a certain fitness and propriety about these simple village folk enacting all the characters of the sacred story. They are the peasants and laborers and artificers of the Bavarian village, just as the men and women of the gospel were of Nazareth and Bethlehem. It was the pleasure of

our Lord to appear upon earth in the body of a village carpenter, to outward seeming just such a one as the woodcarver of Ober Ammergau. The Roman soldier of the play, had been in the army of the Kaiser, and might have to be again. The little barefoot children running about the stage in the procession scenes, were just such little village babies, as no doubt were attracted by the hosannas and waving palms of the crowds in the streets of Jerusalem on the first Palm Sunday two thousand years ago.

The important parts, such as Caiaphas, Annas, Herod and Pilate, representing high priests and rulers, are taken by the leading men of the village, the burgomaster and such like, men accustomed to authority, and they fill their parts with the dignity and grace that comes from extreme simplicity.

In fact, simplicity is the distinguishing characteristic of the whole performance. The simple, direct language of the scripture is closely, and in some cases literally, followed. There is no by-play, no acting at the audience, no attempt to make a theatrical effect. During the entire performance, I never saw an actor on the stage, from the greatest to the smallest, show in any way, that he was aware of the existence of the audience at all.

Amalia Lang, who took the part of the Blessed Virgin in 1850, went once to Munich, and took

lessons from one of the masters of the histrionic art, for whom Munich has long been famous, but on her return it was found that so far from improving her performance, the graces of the stage player had robbed her acting of the dignity and simplicity essential to the part. Anything not absolutely simple was seen at once by the assembled villagers to be inappropriate, and the Fraulein was obliged to discard her Munich instructions, and return to the village tradition, before she was allowed to act.

The good Father Daisenberger of whom I shall presently speak, delivered a sermon to the actors of 1870 at the final rehearsal on Whit Monday of that year, in which he says:

"It is not our aim to shine in the art of acting, that would be presumptuous and ridiculous in simple country people; but it must be the earnest desire of each one to try and represent *worthily* this most holy mystery. Each one who takes the least part of this work is a necessary link in the great chain, let him therefore endeavor to fulfil his task to the best of his ability, and thus contribute to the success of the whole."

And as far as I am able to judge from what I saw, I believe that all the players were strictly following their pastor's admonition. They were trying to represent worthily this most holy mystery, and they were *not* trying to shine in the art of acting.

But in one detail of the art of acting *they did shine*, the art of elocution. I was seated in the

middle of the covered seats, in the rear part of the auditorium, and so clear and perfect was their enunciation and delivery, that I do not think I missed a word, although the language spoken was German which I understood but imperfectly. Consider what voices these must have been to have been so heard by an audience of from four to six thousand people, and in the open air.

The dresses were rich, appropriate and picturesque, and remarkably fresh and clean. As it was the month of August when I saw them, and the play had been going on since May, they must have been constantly renewed, as the actors are all exposed to the weather, and it rains nearly every day.

The scenery and stage appliances were of the highest order, and there was a remarkable smoothness about all the details. In fact, an American theatrical manager told me on the evening after the play, that he had never in his life seen better stage business than was displayed in the handling of the large crowds on the stage, which sometimes, as in the first scene, was composed of as many as five hundred persons.

The village contains about twelve hundred inhabitants, and has a very clean and prosperous appearance. The streets are irregular, and wind about without apparently any particular plan,

except that they all lead to the church. The houses are all substantial looking, many of them ornamented on their outward walls with large frescoes of biblical scenes, and every one has a cross on it, and generally a crucifix.

It is evident that materialism and agnosticism have no place in this community. That which the agnostics and others call *superstition*, and which Catholics regard as simple faith, reigns here supreme. At all the cross roads you will see a huge crucifix, and every passer-by takes off his hat, and makes the sign of the cross in passing it. When the Angelus bell rings, all hats are off, and it is no uncommon sight to see a whole parish of the neighboring country, making a pilgrimage on foot to the Passion Play; the parish priest and a cross bearer at the head. And they will all kneel down in the road, and recite the rosary before a wayside crucifix; indeed, many of the peasants on entering the theatre, kneel down and cross themselves as they would on entering a church.

It is a beautiful valley, watered by the lovely clear Ammer, a mountain torrent, which they call a river, and we could call a creek. Completely closed in by mountains, it is to this isolation that has been generally ascribed the simplicity of the people. And as for faith: if outward and visible signs betoken that inward and spiritual grace, it is the land of faith.

Immediately over the village rises sheer two thousand feet the dome-shaped mountain called the Kofel. It is surmounted by an iron cross sixty feet high. The cross was formerly of wood, and tradition had it that when the Kofel cross fell, the villagers would be absolved from the vow made two hundred and fifty years ago. It was blown down in the winter of 1889–90, and the present iron cross put up in its place. But the Passion Play goes on.

The villagers live under the shadow of this cross, and when they have been asked, as they often have, to give their play at the great expositions of the world, at Vienna, Paris and even in the United States, they have answered that they would do it, *only* on the condition that the Kofelspitze with its guarding cross be taken with them.[1]

To their credit be it spoken, they have never listened to any of the numerous tempting offers that have been made them to play for money. It is to them the Passion Play to be played at Ober Ammergau, every ten years in the fulfilment of their vow, *a religious ceremony*, not a theatrical representation. They would not profane it by representing it anywhere else, or for money.

[1] A statement having appeared in several European and American newspapers that the Ammergauer players would give the Passion Play at the Centennial Exposition in Chicago, Joseph Mayr wrote an indignant denial and published it in the German and Bavarian papers with a request that American papers would copy.

In 1880 the receipts were about equivalent to $85,000 of our dollars, of which $20,000 went for dresses and scenery, $30,000 was divided among the actors and employees, and the balance was put in a charitable fund to last for the next ten years. Joseph Mayr, who was of course the highest paid, got $300, not as much as he would have earned at his trade in the same time. He was asked by a visitor how he could be satisfied to take so arduous a part for this small sum, and he answered at once, "Think of the honor of it."

Remember, ladies and gentlemen, that in that country, and among Joseph Mayr's people, a man can rise to no higher honor, than that of appearing as the Christus.

Centuries of the Passion Play have given this village a biblical atmosphere. It is noticeable everywhere, in the looks and manners of the people, in their language, in their very beards and hair, and it is impossible to believe, that it has not penetrated their hearts and influenced their lives. They begin to go on the stage as children in their mother's arms, and when they have passed childhood, and appear as young men and women, in any part, great or small, the first requisite is, that they shall be of good moral life, communicants, practical Catholics.

There are in all some five hundred persons of all ages, who appear on the stage, but there are only

one hundred and four speaking parts, fifteen of which are for women. These are all chosen by a committee of the principal villagers, with the burgomaster and parish priest at their head, and the meetings of this committee begin by hearing mass. The actors of this year, 1890, were chosen in Christmas week 1889, and immediately rehearsals began, and continued in public and private until Whit Monday, when all the actors attend mass, receive the holy communion, and hold the final dress rehearsal.

I have already quoted something of Father Daisenberger's Whit Monday sermon, to the players of 1870. I will quote a little more, to show you how deeply the spirit of religion is interwoven with this performance. Here is his opening:

"Dear Friends:—You are called upon this day to fulfill a great and holy vow, you will as it were in some measure take part in the Apostolic office.

"From the day of Pentecost, the Apostles went into all lands to preach Jesus the Crucified—His doctrines and His deeds—His resurrection and His glorification—to show to men how ancient prophecies, how the types of the Old Testament were fulfilled in Him.

"We are not now to go forth into the world to make known the Crucified, but thousands during this year will come to us, and ours will be the privilege to represent before them what the apostles preached. If we work together with holy zeal, worthily to represent these mysteries, then we may hope that with God's grace great blessings may ensue. Many pious Christians, touched by the representation of their Saviour's death, will return home edified and strengthened in their faith and love, and with renewed

resolutions to continue His faithful disciples. Many of the lukewarm and frivolous, unable to throw off the solemn impressions they have received, will in future show that the seeds of a more Christian life were sown here. And it may be that the sight of the Redeemer's great love for mankind, and of His bitter sufferings for their sins, may draw tears of repentance from the eyes of sinners, and these tears, aided by God's good spirit, may be the beginning of a sincere conversion, and this gazing on the Passion may be the way by which the Good Shepherd seeks and finds His lost sheep.

"But, dear friends, we can only hope for God's blessing if we undertake our work with pure motives and holy zeal, and not with selfish and vainglorious motives. If with the latter, God will look down upon us and upon our work with displeasure; we shall be misusing and dishonoring the most sacred things, we shall reap to ourselves instead of honor, blame, instead of gain, most bitter loss.

"You, who have merely to do mechanical labors, perform them with industry and careful exactness, for altho' not seen of man, you have in the eyes of God an important service to render, not less so than those who have to act parts apparently more important. You who have to represent persons who hated and persecuted the beloved Saviour, try and render those persons well, bringing out their wickedness, hatefulness, and hypocrisy, so as to fill the spectator with abhorrence for their shameful deeds. You will, therefore, contribute towards making the innocence, gentleness and elevated dignity of the Redeemer appear in still clearer light. It is the shadows of a picture that make the light prominent.

"In times of need our forefathers made the solemn vow *to represent the Passion*, with the pious intention of promoting the honor of God, and the remembrance of the dear Redeemer, who gave Himself up to death for our sake, *and* for the edification of our brother men.

"With this devout feeling and with this alone, let us this year fulfill the vow of our ancestors."

In the year 1633, about the time that Lord Baltimore was gathering together the settlers,

who were to sail in the "Ark" and the "Dove," and found this good old State of Maryland, a great pestilence broke out in all the district surrounding Ober Ammergau. It was so fatal that it was feared that every one would die; whole families were swept away. In the village of Kohlgrub, nine miles away, only two married couples were left alive. The Ammergau people enforced a strict quarantine around their village, but one Caspar Schuchler who was working in a neighboring town where the plague prevailed, managed to evade their vigilance and enter Ober Ammergau, where his wife and children were living. He brought the plague with him. In two days he was dead, and in the following month, eighty-four of the villagers died. Then the villagers assembled, and solemnly vowed that *if God would spare them*, they would perform the Passion Play every ten years, as an act of Thanksgiving. According to the tradition not a single death occurred from the plague after the vow was taken, and in 1634, the year of the settlement of Maryland, the play was first performed.

In 1680, the decadal period was chosen, and with some interruption, as in the war of 1870, when various of the actors were drafted into the army, it has been performed every tenth year up to this year of 1890, which is the last performance of this century. The next, if there be a next, will be in 1900.

Religious plays, known as Moralities, Mysteries, Miracle Plays and Passion Plays, of which this may be considered the unique survival, were very common at that time, and were an influence in the teaching of religion little inferior to the pulpit. The bible stories were put upon the stage for the instruction of the people, just as pictures were hung in the churches, and crucifixes erected in the public places.

To the unlearned, as indeed to many of the learned, the impression created by a well-acted dramatic representation is more vivid and life-like than that which comes from the brush of the painter, or the words of the preacher, and to this end many of these plays were produced in all parts of the Christian world, and especially in Germany.

But in the course of time they, in many cases, degenerated into mere burlesques, and all sorts of fantastic and extravagant scenes were introduced, "to please the ears of the groundlings," but to the scandal of the religious and serious-minded spectators. Indeed, in this very play at Ober Ammergau, when Judas hung himself, a stuffed figure fell and burst open, and a legion of devils rushed upon the body and tore open the entrails which were made of sausages, and they devoured them before the audience. Lucifer, Prince of Hell, was an important performer, and took a great part in the

play. Of course I speak of the past, no such buffoonery would be tolerated now for an instant.

Finally, these representations began to give so much scandal, that they were prohibited by the authorities everywhere, and it is a clear proof that the play at Ammergau must always have been freer from this objection than any other, that it still exists.

In 1790, all similar plays were forbidden in Bavaria, partly on the ground of their interfering with industry, and partly for moral and religious reasons, but the villagers of Ober Ammergau obtained the special permission of the elector Karl Theodor to continue their play. In 1810 they were again prohibited from performing, and a deputation from the village was obliged to go to Munich to obtain the royal sanction, the ecclesiastical authorities being finally satisfied that it should be given again.

The royal sanction has to be obtained every ten years, as a matter of course before each performance, and there are not a few people who believe that it will not be given in the year 1900. It is even said that many of the villagers themselves are opposed to giving another performance in 1900, as they fear that it has become to too many of the visitors a mere spectacle, devoid of the sacred character which they consider essential to its existence.

I am bound to say that I saw nothing myself to justify any such idea. There were certainly a great many persons in the audience, perhaps one-third, who were mere tourists and sight-seers, like myself, but by far the great majority of those present were country people, religious to the core, who were there for a veritable pilgrimage, and who had walked many a weary mile to get there, old men and young, grey-haired women and young girls. Crowds and crowds of such, I passed on the road dressed in their picturesque Tyrolese costume, the women in most cases barefoot, but carrying their shoes in their hands, or slung over their shoulders, ready to put on when they reached the town. These are the people for whom this play is an instruction in religion and even a form of devotion. People who take no shame in kneeling down under the open sky, at the side of a crowded road, and saying their prayers aloud before a wayside crucifix.

It is an old proverb in the valley of the Ammer, "that the way to the representation of the Passion Play should be a way of penance," and to many of these it is so, a long weary journey on foot, which not all can accomplish, as witness the tablet to the memory of the pilgrim Aloysius Pfausler, who died from apoplexy on the steep road of Mount Ettal, brought on by his over exertion in climbing that mountain.

Formerly, the journey from Munich to Ober Ammergau was a very trying one, to-day it is easy enough. The railway now passes the village of Oberau, only seven miles away, and although the road over Mount Ettal is now a perfectly good one and a splendid piece of engineering, it takes nearly three hours to drive that short distance, as the horses have to go at a walk. From the junction of the foot path and the carriage road on the Ettaler Berg, we drove through an endless procession of these peasant pilgrims on foot, with their peculiar Tyrolese hats adorned with feathers which men and women both wear, alpenstocks in their hands and all in their Sunday best.

But with all this vast crowd there was nothing of what we should call side shows, such as are an invariable accessory of great crowds in every other country. There were a few booths for the sale of food and tobacco, and in the village photographs and woodcarving, but it was plain that no one regarded this as a festive gathering, or a county fair, and there was something of solemnity in the very air of the place, as we passed the old Monastery of Ettal and under the great cross on the Kofel.

I arrived about three in the afternoon, and was quartered in the house of Johann Zwink, who takes the part of Judas, but I was there offered the somewhat unusual privilege of a room to myself

in the house of a neighbor Johann Schauer, and gladly accepted it.

My host was a typical villager, a large man about six feet high, with hair down to his shoulders and a long beard, well built and hardy in appearance, with a good honest face, and that extremely kindly and courteous manner which is a characteristic of the village. The room itself was small but exquisitely clean, the only ornament being the inevitable crucifix on the wall, and a small holy water fount. I may say here that I found all charges reasonable enough, and could not help thinking that if any village of 1200 inhabitants in the United States, had ten thousand strangers a week to entertain, they would not neglect the opportunity of over-charging, as these people did.

The streets and the meadows around the town were absolutely swarming with people, during the afternoon and night, but everything was in the highest degree quiet and orderly, except when the droves of cows came in from pasturage and insisted on their right of way in the streets, to the discomfiture of many of the lady tourists. And there never was such a place for cows, the 1400 people in the valley own 600 cows.

In the morning at about five o'clock I made my way to the village church, an edifice as large as Loyola College church, which even at that hour

was full of worshippers. Every one of the five altars was occupied steadily from three o'clock in the morning until seven and a half o'clock by priests saying mass, and although I went back to the church three several times, it was always crowded, and crowded with worshippers, not sight-seers.

At six o'clock a gun is fired to arouse the visitors, and the fire brigade of the village, headed by the band, marches through the streets as a welcome. By half-past seven the narrow roads leading to the theatre are swarming with people, and by eight o'clock when the second gun is fired, every spectator is in his seat.

The theatre of this year is the most elaborate that has ever been built. It was made under the supervision of the director of the Munich Opera House, and will hold, it is said, 6000 persons. The seats are very uncomfortable, being simply boards with a rail to lean against, and half of them are open to the sky. The admittance costs from 25 cents for the uncovered seats near the stage, up to $2.50 for the best of the covered seats. Up to 1830 the play was always given in the village church yard, which is also the cemetery, but since then a new theatre has been built every ten years, on the site of the present one, a meadow near the town.

The cast of the principal characters this year is:

Christus for the 3rd time, Joseph Mayr, Woodcarver; Johannes for the 1st time, Peter Rendl, Woodcarver; Petrus for the 4th time, Jakob Hett, Woodcarver; Maria for the 1st time, Rosa Lang, Burgomaster's daughter; Magdalena for the 1st time, Amalia Deschler, Woodcarver's daughter; Joseph of Arimathea for the 2nd time, Martin Oppenrider, Woodcarver; Caiaphas for the 2nd time, Johann Lang, Burgomaster; Annas for the 1st time, Franz Retz, Tailor; Judas for the 1st time, Johann Zwink, Painter; Pilate for the 2nd time, Thomas Rendl, Overseer for the Lady von Hillern; Herod for the 1st time, Johann Diemer, Retired Woodcarver.

Joseph Mayr

is a man of tall stature, a little over six feet in height, with long black hair flowing to his shoulders. He is about fifty years old, having filled the same part in 1871 and 1880, this being his third appearance, and no painter could present so complete a realization of our ideal as this dramatic delineator—it has been the study of his life. Of noble bearing and presence and extremely graceful in every movement, he never shows the least touch of affectation or self-consciousness. We can see that he forgets *himself* entirely, and with humble sincerity of heart endeavors to present a living picture of the Master.

He is a woodcarver by trade, a man of unblemished reputation, honored by his neighbors and a good father of a family, and *of course*, as all the actors *must be*, a practical Catholic.

Some critics consider that his face is rather too heavy, not spiritual enough.[1]

Maria.

Rosa Lang, who impersonates the Blessed Virgin for the first time, is a young woman not over twenty, who is the daughter of the burgomaster. The tradition of Ober Ammergau is, that the Blessed Virgin was always young, and no married woman is ever allowed to take the part. She has a sweet sympathetic face, and a very melodious voice. But none of the female characters have long speaking parts. They show their art and training by their dignified and graceful bearing and gesture.

Judas.

Johann Zwink plays this part for the first time. He is about forty years old, and in 1871 and 1880 took the part of St. John. He has bright red hair and a very florid complexion. He is a painter by trade, and by many persons is considered the best actor on the stage.

[1] In the winter of 1894–5 while woodcutting, a heavy log fell upon him breaking his leg. This accident will, I suppose, prevent him from ever appearing again upon the stage.

Caiaphas.

Johann Lang, the burgomaster of the village, admirably fills this difficult part. The magnificent costume of a Jewish High Priest, which he wears, is strictly correct in the historical sense as are all the dresses of the play, most of them being copied from the pictures of the old masters. He has a splendid voice and large and imposing figure, and in impersonating the proud and arrogant high priest, even in the most exciting scenes preserves his stately demeanor. He performs this part for the third time.

Pontius Pilate.

Thomas Rendl, overseer, is in this part the very type of a Roman aristocrat. When our Lord is brought before him as governor of Judea, he at first shows that the matter is too small for his attention. He can not be troubled with so insignificant an affair, as the disposal of a poor insane peasant from Galilee, but when he hears that it is the death penalty that is demanded, his Roman sense of justice revolts and he exclaims, "I find in him no fault at all;" and he deals with the priests and people with an air of magnificent scorn, very natural to a Roman general the governor of a distant and unimportant province like Judea.

HEROD

is personated by Johann Diemer, a retired woodcarver. He gives us an excellent rendering of this weak and frivolous ruler, who had come to Jerusalem on a visit of pleasure, and whose final decision was "I am weary and will not concern myself about the affair," although satisfied that the sentence to death was a piece of gross injustice.

It is no doubt due to the fact, that so many of the principal characters are taken by men who are woodcarvers, that the tableaux and all the scenic parts of the play are so admirably given. The music is solemn but very pleasing, somewhat like the music of a mass. It was written by Rochus Dedler, who was born in 1779, became the schoolmaster of Ober Ammergau in 1802 and died twenty years later. The musical director this year is the village schoolmaster, Joseph Gruber. The general manager is the burgomaster, Johann Lang, who seems to be the head man of the place in all respects.

The words of the play were, it is believed, originally written by the monks of the neighboring Monastery of Ettal. It was rewritten by one of these monks, Dr. Otmar Weis, but it owes its present form to Dr. Aloysius Daisenberger, the beloved pastor, or Geistlicher Rath, who, from the time of his becoming spiritual director of the village,

in 1845, until his death in 1880, made this play the study of his life, and, as it were, became the evangelist of Ober Ammergau.

Canon Farrar, a great Protestant ecclesiastic, calls this year's play the "Gospel according to St. Daisenberger." He says:

"His beatification has not been declared at Rome, and his version is not entitled to rank with the canonical scriptures, but none the less, generations yet to come may rise up to call him blessed, and his version, *unauthorized* though it be, enables all who see it to realize more vividly than ever the human side of the martyrdom of Jesus."

We will suppose the vast audience now in their seats, serious and attentive.

Behind the curtain of the central stage all persons connected with the performance, more than 500 in number, are assembled with their pastor and on their knees engage in meditation and silent prayer to prepare themselves worthily to represent "*The great sacrifice of Redemption on Golgotha, or the History of the suffering and death of our Lord Jesus Christ, according to the four Gospels, with tableaux representing scenes from the Old Testament,*" which is the official name and title of the Passion Play.

Exactly at eight the chorus of Schutzgeister, or guardian angels, appear upon the stage. Slowly, gracefully, with harmonious motion, these peasant angels with the choragus at their head, advance to

the front and form in a semicircle. They are clad in long white robes, over which hang graceful mantles of brilliant colors, violet, orange, brown, blue, red, crimson and scarlet, richly embroidered with gold. They all wear golden crowns with a cross in the centre and make a brilliant rainbow of color. Fourteen are women, seven soprani and seven contralti; nine are men, five tenors and four bassos. The choragus, Jacob Rutz, in a wonderfully pure, clear and powerful voice, begins the recitative, and the chorus and the concealed orchestra answer, with the first song descriptive of the fall of man and his redemption. The function of these Schutzgeister, who occupy the stage for fully one-half of the whole play, is to explain in recitative and in song, the moral and meaning of each tableau, and each act, and it is remarkable how a small mountain village can produce such a number of sweet, pure and sonorous voices.

Let it be remembered, that no person can appear upon this stage, who is not a native of Ober Ammergau.

The Stage at this opening scene, makes a picture never to be erased from the memory of the beholder. It occupies one entire end of the theatre and is bare to the sky, except in the centre, where an enclosed building in the form of a Grecian temple serves to represent interior scenes and tableaux. On each side of this an arch extends

to the house of Pilate, on the left, and to the house of Annas, on the right. Through these arches we see the streets of Jerusalem, and over all, as a majestic setting and background, we have the grassy slopes of the immemorial hills, and the blue vault of heaven. The curtain of the central temple divides, half rising, and half falling below the stage, and discloses the first tableau, and the Schutzgeister retire to the sides until the curtain rises again, and so on through the play, except during the acts, when they retire altogether from the stage.

The first two tableaux are called the Prologue, and form, as the Schutzgeister tell us, the type or fundamental idea of the play, which takes the Old Testament as the foundation of prophecy realized in the New. Every part of the story of the passion is illustrated by a tableau from some scene in the Old Testament, which prefigures it, thus representing the passion on the basis of the entire scriptures, as Canon Farrar beautifully says:

"The whole of the Old Testament is thus made the massive pedestal of the cross.

The first tableau represents Adam and Eve clad in sheepskins and flying from Eden, while the Angel stands on a rock above with a flaming sword, and the serpent is coiled about the tree of knowledge of good and evil, with the fruit

"whose mortal taste brought sin into the world and all our woe." The second represents the Adoration of the cross, a number of girls and little children in adoration before the symbol of man's redemption. As the curtain falls we begin to see in the streets of Jerusalem crowds of men and women, with palms in their hands, singing "Hail to Thee, O Son of David!" Gradually they approach, the streets filled with children and citizens attracted by the noise, and finally, we see a young man with long flowing locks and the face of an angel, a pilgrim's staff in his hand, leading a little ass. It is the beloved disciple John. The rider, seated on one side like a woman, descends, blessing the people; and all the audience, with a little but very audible gasp of emotion, bow their heads as though what they saw was reality. By this time the curtain, risen again, discloses the temple full of a busy throng, chaffering and trading as in a market place. Then Christus, speaking the words of the gospel, enters the temple, drives them forth, and the scene ends in the confusion of their flight.

The next two scenes of this act are occupied by the conspiracies of the priests, who are indignant at the declaration of Christus, 'that he is the son of God,' and the traders, who want revenge for being ejected from the temple. They agree to go to the Sanhedrim.

There are no intermissions; the Schutzgeister appear immediately on the stage to explain the third tableau, the children of Jacob in the plains of Dathan, conspiring to kill Joseph. This precedes the second act, all of which is taken up by the meeting of the Sanhedrim, where the priest Nathanael, and Dathan, the representative of the traders expelled from the temple, appear to complain against "*this notorious Jesus of Nazareth, who has to-day blasphemed in the temple, calling himself the Son of God and insulted them all in unheard of fashion.*"

The fourth and fifth tableaux, preceding the third act, represent the departure of Tobias, and the lamenting bride of the Canticles, typical of our Lord's departure from Bethany for Jerusalem; His last visit to that beloved village. Here occurs the scene where Magdalena, pouring ointment over the Saviour's feet, excites the selfish, cold and calculating Judas, who complains of the extravagance of so wasting what could have been sold for 300 pence. And the act concludes with the touching scene of the parting between our Lord and His Mother; the disciples and the people of Bethany grouped around and Mary Magdalena, kneeling by the side of the Master.

The fourth act begins with the tableau of King Ahasuerus, repudiating his haughty queen, Vashti, and elevating the modest Esther; typical of our

Lord's rejecting the proud and disdainful Jews, and electing for Himself a better and more worthy people. The action represents the journey to Jerusalem. Here the character of Judas develops; holding in his hand an empty purse he approaches our Saviour and asks what the disciples shall do when the Master has left them, and they have no means of subsistence. And when they have all left Judas remains, having resolved to leave the little band of which he was the treasurer. Now appears the trader Dathan, who easily prevails upon Judas to betray the Master, and the act ends with the scene of the Apostles John and Peter, at the house of Mark in Jerusalem, whither they had been sent to prepare for the coming of Christ to celebrate the last supper.

The seventh and eighth tableaux foreshadow the last supper; the first is the rain of Manna in the wilderness, and is, perhaps, the grandest picture in the whole play. More than 400 persons are in it, 150 being children, and although it lasts about three minutes, the figures are as motionless as though it were a piece of mosaic. The second tableau is the return of the spies from the promised land.

The fifth act is the last supper, an exact reproduction of the picture of Leonardo da Vinci, our Lord in the centre.

The first group on the right of our Lord, are John the beloved disciple, Judas and Peter, on

the extreme right Andrew, James the less and Bartholomew. The first group to the left consists of James the elder, Thomas and Philip, and next to them Matthew, Thaddeus, and Simon.

Almost the exact Gospel language is here reproduced. First comes the washing of the feet, and then the inexpressibly touching scene of the first communion. Christ breaks the bread and gives a portion to each of his disciples saying, "Take, eat, this is my body which is given for you; this do, in remembrance of me." To each he places a little piece upon the tongue, which each receives and instantly and reverently, bows his head in silent devotion, exactly in the form which you have all seen or participated in, when the holy sacrament, in remembrance of the last supper, is given in every Catholic church.

And at this point the audience was a wonderful sight to see, remembering that we were not in a church but in a theatre, almost every spectator was in a devotional attitude, and the song of the angelic choir who were singing behind the stage, was punctuated by the sobbing of the audience. My neighbor on the right was a Western American girl, my neighbor on the left was a Hungarian parish priest—they were both weeping freely. I have never seen either of them before or since, nor do I know their names, but in that moment we were all in sympathy.

The tableau of Joseph sold by his brethren precedes the sixth act, where Judas goes to the Sanhedrim and agrees to betray his Master. He tries attentively each one of the pieces of silver to see if it be genuine, and makes one of the finest dramatic scenes of the entire play.

The seventh act is the garden of Gethsemane preceded by two tableaux. Formerly the bloody sweat was represented in this scene, but it is now omitted.

After this scene comes the betrayal; Judas gives our Lord the treacherous kiss and the soldiers seize him. The rudeness and harshness with which the soldiers handle their prisoner is so realistic, that the audience begins to murmur and move uneasily in their seats.

At this point there is an intermission of one hour. The play began at eight, it rained heavily from 8 until 11 a. m., two-thirds of the audience being exposed to the weather without umbrellas or protection of any kind, and yet no person that I saw had left his seat.

From twelve until one, performers and spectators obtained refreshments, but the booming of the cannon brought every person back to his seat at about 1.15 p. m., and the second part of the play began, and lasted until half-past five.

The Schutzgeister again appear, and tell us of the tableau of Zedekiah smiting the prophet Micaiah

on the cheek, which is the type of the scene in the eighth act, where our Lord before Annas, is smitten on the cheek by Balbus.

The ninth act is our Lord before the Sanhedrim, sitting as a court with Caiaphas presiding. Nicodemus and Joseph of Arimathea, having in the previous sitting demanded a fair and *legal trial*, witnesses are examined, the laws read and sentence of death passed in due form.

The second scene is the disciples, Peter and John, timidly approaching the servants, and endeavoring to find out what has been done by the Sanhedrim to the beloved Saviour. This is where the cock crows and Peter denies his Master.

The tenth act is the despair of Judas, prefigured by the tableau of Cain, a wanderer on earth, with the brand of murder on his brow. In the first scene Judas rushes into the Sanhedrim, tortured by his conscience, and throws the thirty pieces of silver down before the priests, cursing them for having seduced him to his crime. The second scene is Haceldama, the potter's field, where despairing and raving he sees a tree, and, with a sudden impulse, wrenches off his girdle and hangs himself. It would be difficult to exaggerate the dramatic effect of this scene. The Judas of the play leaves on us the impression of a man not wholly bad, as witness his repentance and remorse, but cold, calculating, avaricious and selfish, unable to resist the

temptation of money. Zwink's rendering of this scene was superb.

The eleventh and twelfth acts represent our Lord before Pilate, and afterwards before Herod, who concludes the scene by saying: "This man is only a fool; the matter has detained us long enough, let us make up for lost time with music and song."

The thirteenth act begins with the scourging, which Pilate had ordered to be done to appease the people, and the curtain rises just as it is finishing, and the exhausted victim falls senseless to the ground. Then picking him up still bound and helpless, they put on His shoulders a red robe, and in His hands the reed for the sceptre. Here begins a scene so brutal in its realism, that the audience can scarcely contain themselves; sobs, ejaculations, murmurs of all sorts, are heard all over the theatre. The acting is perhaps a little too violent, but through it all, though constantly struck and pushed off his seat, and falling helplessly, by reason of the cords which bind him, Mayr never seems to lose his dignity of demeanor.

The crowning with thorns is carried out with the same brutality. Four soldiers place the crown of thorns upon the head, then to press it down firmly, they take two sticks, and cross them over the crown, and press them down upon the wincing sufferer, until they break with a cracking snap that sends a shudder through the theatre.

The fourteenth act represents the Jews headed by the high priests before the house of Pilate, demanding the sentence of death which they finally obtain, freeing the hoary old Barabbas, a man steeped in crime and who looks his part thoroughly. The action in this scene is very picturesque and animated, the fickle and shouting mob, urged on by the furious priests, and a fine point is made when our Lord and the two thieves after sentence of death, are delivered over by the guards of the temple who are raw recruits, to the Roman guard of Pilate who are seasoned veterans. The grim centurion in command, lets the crowd know at once that these prisoners are in his charge, and it will go hard with any man who tries to abuse them.

The tableau of the young Isaac bearing the wood up Mount Moriah, which was to be the altar on which he would be sacrificed, and two other less striking tableaux prefigure the harrowing scene of the fifteenth act, which represents our Lord bearing His cross to Golgotha.

From the gateway near Pilate's house, a small group emerge in view. It is the Blessed Virgin, the beloved disciple John, Joseph of Arimathea, Mary Magdalena and the other holy women. They have ventured into Jerusalem to discover if they can, what the priests have done to the Master. Suddenly they see with alarm, a vast

crowd approaching, at first a shouting mob, then a procession headed by a man on horseback bearing the Roman standard, "Senatus Populusque Romanus;" then comes the centurion in command of his company, and finally the condemned. First, "the Man of Sorrows," his face covered with blood, from the thorny crown which he still wears, staggering under the weight of the heavy cross, almost exhausted; the two thieves with smaller and lighter crosses following, the rough executioners and the priests urging them on, and all the rabble of Jerusalem anxious to see the coming tragedy.

The Blessed Mother first realizes the dreadful reality of what is taking place, and sinks fainting into the arms of her faithful friends.

The Saviour falls and is unable to rise, the humane centurion tells the executioners to stop, and handing the sufferer a flagon bids him refresh himself. Then the carpenter, Simon of Cyrene, who is passing by, his basket of tools in his hands, takes up the heavy cross, and is rewarded by the words, "The blessing of God be upon thee and thine." The procession moves on, but not fast enough for the priests and executioners, who urge the exhausted sufferer, now scarcely able to move. The centurion again interposes, "Let the man rest, he needeth a short respite before he ascends the hill of death." The spectator's heart goes out to that centurion.

The sixteenth act, the Crucifixion, is preceded by no tableau. The Schutzgeister appear now in solemn black, their rainbow-colored robes discarded, and as they sing heavy hammer blows are heard behind the scenes. The executioners are nailing Christ to the cross.

The curtain ascends, the two thieves are tied, not nailed to their crosses, which are already erect in position. On the ground with the head slightly elevated, is the larger cross to which the Saviour is already nailed. The executioner nails the inscription "I N R I" to the head of the cross, and he and his mates raise it into position. All this is done with an almost horrible realism. The closest examination with strong opera glasses discloses no stage trick. The absolute real appearance before your eyes, is that of a human being nailed to a cross, the face expressing the extreme of physical suffering.

Every detail of the gospel is strictly carried out; the guards and executioners gambling for the garments of the condemned, the priests and the mob ridiculing and jeering at the dying men, the seven last words of the Saviour, everything is minute and exact.

Our friend the centurion orders that the space be cleared around the crosses, that the friends and relatives of the condemned may approach,

and they do so. The Saviour's head sinks heavily on his breast; all is over.

The impenitent thief, the one on the right, is a dark-browed young man of remarkable beauty, as to features and figure, but with a sullen and vicious expression. The penitent thief on the left is older, with light hair and beard and a rather amiable face. The contrast between the two is thus well presented. When the executioners approach to kill them, which they do with a huge club, jeering at them as they strike, the sad group at the foot of the cross watch with terror, and when having dispatched the two thieves, they approach the central cross, the Blessed Virgin throws up her hands as though to protect the body from this final brutality, and the executioners seeing that death has already taken place, give the spear thrust in the side to make it a certainty.

During this scene I can only compare the audience, to those, who, around a dying bed wait for the dreadful moment when the parting soul takes flight. And a great sigh and groan arises from every part of the auditorium, as though the mimic scene was reality.

The next scene, the descent from the cross, is modeled after the famous picture of Rubens. Two ladders are placed against the cross, a short one in front on which Joseph of Arimathea ascends, with a long roll of linen cloth in his hand.

Nicodemus ascends the large one at the back, and very tenderly removes the crown of thorns. Then with a pair of pincers, and apparently with a great effort of strength, he pulls the nails deeply imbedded in the wood through the hands, and placing the linen cloth under the arms, the body is slowly lowered.

John takes the feet, and Lazarus reaching up his arms receives it, the linen is removed, and the body is tenderly and reverently born by the four men, Nicodemus, Joseph, John and Lazarus, and laid with great care upon a white linen cloth, the Holy Mother, Mary Magdalena, and the beloved disciple John around it, forming the scene which so many of the greatest artists of the world, have illustrated in painting, or in sculpture, and called the *Pietá*.

The body is then anointed, it is wrapped in the linen cloth, and the four bear it away to the sepulchre, followed by the sorrowing women.

The seventeenth act is the Resurrection on the third morning, the guards in terror at the apparition.

The eighteenth act is the Ascension. It is Raphael's Vatican picture instinct with life, and with the triumphant Hosannas of the Schutzgeister resounding through the theatre, the curtain falls.

I have endeavored, ladies and gentlemen, most

imperfectly I know, to convey to you the profound impression which this wonderful performance made upon me. There are persons who say, and no doubt believe, that this is simply a good dramatic representation, and the actors are only looking like any other actors for the profit that it brings to themselves, and their neighborhood. To say that they are entirely insensible to this consideration, would be to say that they are more than mortal. But on the whole I believe that these Bavarian village people are *fulfilling their vow*, "soberly, reverently and in the fear of God." The human side of the scripture is here brought home to every one of us; to me certainly as it never was before. Of the Saviour and the Blessed Virgin, I may not speak. All the others were men and women like ourselves.

The hasty old man, Peter, who drew his sword to defend his Master and afterwards denied Him. The poor wretch Judas easily seduced by money, the haughty High Priest Caiaphas, enraged at the pretensions of a crazy impostor from Galilee (as he believed), the fine Roman governor Pilate, and the weak, pleasure-loving Herod, all these are types of humanity, who exist to-day as they existed two thousand years ago.

The play is written by Catholics, and performed by communicants in the Catholic church, in an intensely Catholic country. But it is intended to

appeal, and does appeal, to all Christians of all denominations. For this story is the common heritage of all Christianity, and the lines dividing the denominations, in essentials, thin at the most, here fade away and altogether disappear.

Dean Stanley, Canon Farrar, and many other eminent ecclesiastics of the Anglican church, have preached and written about this Passion Play, in words as laudatory as they were eloquent, and with my own eyes I saw Anglican ministers and laymen mingling their tears with their Catholic brethren, over this mimic representation of the great story of the Passion.

And in conclusion, I will say, that I shall always remember this Passion Play, as the greatest object lesson of my life, on the greatest theme known to the world.

It is one thing to read, or to hear in a sermon, of the crown of thorns, the scourging, and the crucifixion. It is another and a very different thing, to see a living man, his shrinking body apparently quivering under the cuts of the lash, sharp thorns driven through his scalp, and finally nailed to a piece of wood and dying there. And that is what the spectators saw on this stage.

Never again do I expect to see such an audience. From the first, reverential and almost devotional in their demeanor, they became in the more sorrowful scenes emotional to a degree that was abso-

lutely painful to witness. The cracking of those sticks that pressed down the crown of thorns, sent a shudder through the crowd that was like a wave of the sea. There was a contagion of religious sympathy in the air. Believer or unbeliever—Catholic or Protestant—Priest or Layman—no man can sit unmoved through this performance; and the Christian spectator realizes, as he never did before, what is meant by the Passion of our Lord.

ADDRESS.

DELIVERED AT THE PRESENTATION TO THE CITY OF BALTIMORE, OF THE MONUMENT TO CHRISTOPHER COLUMBUS, IN DRUID HILL PARK, 12TH OF OCTOBER, 1892.

Mr. President and Gentlemen of the Italian Societies:

THIS beautiful monument which you have erected here, has now been formally accepted by the chief executive of our city, his honor, Mayor Latrobe, who alone has the right to speak officially for his fellow citizens.

But I have been asked, not as occupying any official position, but as a private citizen of Baltimore, who is also a friend of Italy, to say a few words on this occasion. And I assure you that it gives me great pleasure to do so.

An extensive and intimate acquaintance with men of your race, in this and in other countries—

delightful reminiscences of personal sojourn in your beautiful land—and a long and active professional connection with the representatives of your country, in the United States (a professional connection which, I am proud to say, has been officially and most graciously acknowledged by his majesty King Umberto)—all these are considerations which make it especially agreeable to me to be present here to-day, and to participate in these ceremonies.

The erection of this monument is the outward and visible manifestation of a noble idea. While it is a tribute of affection, gratefully tendered by you to the home of your adoption, it is also the assertion of your claim to share in the glories of your mother country, and of your desire to perpetuate, in this new land, the story of the glorious deeds of the great Italian navigator.

The boy who goes forth into the world, no matter how successful in life, no matter how great and powerful he may become, must always bear with him the love of his childhood's home. The child can never forget his mother. And you Italians of Baltimore will be none the less good American citizens, because you love your mother Italy, and because you glory in her glories, and although dwellers in America, you sometimes turn your eyes back to that bright land, beautiful from the riviera di levante to the riviera di ponente, and say in the words of one of your own prose poets:

"Qual havvi terra che il sole illumine con una luce piu serena o che reschaldi con piu dolce tepore."

"O Italiani, prostratevi, venerate questa sacra terra che vide sopra si correre tanti nemici tanti stranieri tanti crudele fazione, e tanti guerre combatersi, e tanti incendi, tanti morti, tanti tradimenti cometersi, e pur sempre rimase bella, vagheghiata, desiderata."

"Ma baciando questa classica terra, cercate in essa con riverenza le vestigia che i vostri maggiori v'impreseró e seguitele."

And of these 'i vostri maggiori,' who have left their mighty "footprints on the sands of time," not upon Italy only, but upon the world, what name is greater than that of Christopher Columbus?

Here four hundred years after the event, we celebrate his great achievement, and we understand as he never could have understood, the magnitude of its results.

Here, where a few savages roamed in primeval forests, has been built up, the greatest, the freest and the most prosperous of the nations of the earth.

And his was the hand that tore away the veil that concealed America, that hid one-third of the world from the other two-thirds. He was the high priest who united in indissoluble wedlock, the old world and the new, and made of two worlds, *one*.

Think what it meant to sail upon an unknown ocean in quest of an unknown world! You who have crossed the seas in a great ocean steamer, so large that she could easily carry all of Columbus'

fleet as part of her deck load—with the date of your arrival, almost as fixed and certain as the date of your departure,—knowing day by day exactly your distance from either shore, with every risk reduced to a minimum, you still feel in crossing the Atlantic, that you have incurred risks, surmounted obstacles, and have braved the perils of the deep.

Imagine then the little Santa Maria, and Pinta and Niña; cockleshells, mere specks upon the great ocean, bound no man knew whither, to arrive no man knew when, the crew incredulous of success, insubordinate, mutinous, full of terror of the unknown dangers before them, dangers all the more formidable and fearful because they were unknown.

And yet from the 3rd of August, to the 12th of October, undismayed by danger from within, or danger from without, this hero went steadily on to that great success, to which his whole life had been but a prelude and a preparation.

To-day the science of navigation is an exact science, the skillful navigator can fix the position of his ship upon the sea, as accurately as a surveyor can locate a landmark on the earth. But in 1492, it was almost too primitive to be called a science at all. They understood, it is true, the use of the mariner's compass, and the astrolabe, but their instruments, like their knowledge, were rudimentary, and the sun by day and the stars by

night, were the guides upon which the mariner mainly relied.

But Columbus had a special star to guide *him*, not indeed visible to the corporal eye, but more certain to lead him to his victory, than any one of the great planets that shine in the firmament of heaven. The star of genius—the star of destiny—the star of faith; faith which removes mountains, faith which makes the things unseen and unknown, to the believer, as sure and certain as the seen and the known—faith which made Columbus *know* that there was an America to be discovered, and that he would discover it.

During all the weary years, before he found in King Ferdinand and Queen Isabella of Spain, protectors who would furnish him with the means to try his great experiment, buffeted about from court to court, sneered at and derided as a madman with a crazy theory, his faith in the existence of an unknown world, buoyed him up, and sustained him, with that unfaltering trust which is the prerogative of true genius.

As Schiller says in his Columbus poem, "What genius promises nature will surely fulfill." A profound and philosophic thought, upon which Emilio Castelar thus comments:

"When I regard this great achievement, the most living, evident, and effulgent lesson that it bears is the triumph of faith. To cross the seas of life, naught suffices save the bark

of faith. In that bark the undoubting Columbus set sail, and at the end of his journey found a new world. Had that world not existed, God would have created it in the solitude of the Atlantic, if for no other end than to reward the faith and constancy of that great man. America was discovered because Columbus had faith; faith in himself, in his ideal, and in his God."

Italy, from the old Roman times. has been the cradle of heroes. In war, in diplomacy, in philosophy, in the arts and science—in every branch of human thought and human action, she has produced men, who, in their day have led the world.

But of all her great children whose names are inscribed on the tablets of fame, Christopher Columbus is her chiefest and crowning glory. His majestic form looms up like a great giant marking a new epoch in the world;—and his monument is the Continent of America.

The two greatest epochs in the history of the world, are the foundation of the Christian religion, and the discovery of America, and this discoverer claimed as his greatest glory to be, what he always signed himself, not Spanish Cristobal Colon; not Italian Christoforo Colombo; but *Xto ferens*, Greek and Latin, signifying the Christ bearer, which to our continent of America, he truly was.

The name of his flag-ship, the "Gallego," he changed to that of the "Santa Maria," in order to place himself under the special protection of the Mother of God—the Admiral's flag under which

he sailed, flying at his mast head, displayed the figure of Christ crucified—and his first act upon landing on San Salvador, was to erect a cross; and that cross was the beginning of Christianity in America.

For nearly four centuries he has slept with the immortals, and we of the United States, are now well into the second century of our republic.

During all our national existence, we have been allied to Italy with an unbroken friendship. With nations, as with individuals and with families, differences must at times occur, differences of opinion—differences of interest. The world's business can not be carried on, without occasional international friction. But, thank Heaven, no question has ever arisen between the Kingdom of Italy and the United States of America, which has not been fairly, temperately and peacefully settled, with honor to both nations, and without in any wise impairing their ancient and honorable alliance. May that alliance remain unbroken forever! May the greatest nation of the new world, which the great Genoese discovered, dwell forever in peace and amity with the land that gave him birth!

I congratulate you, gentlemen, on your beautiful idea in the erection of this monument, an idea which comes appropriately and logically, from the children of that land which has for centuries been

the mother of poetry and of the arts. And I congratulate you upon the successful result which we see before us.

Here it will stand upon the greensward of this noble park, that our children and our children's children may know, that the Italians of Baltimore love the city of their adoption, and that they have given expression to that love in this monument chiseled by an Italian sculptor, from Italian marble, and erected by Italian hands, in honor of the great Italian hero who discovered America.

ADDRESS.

At the Banquet of the Catholic Club in Honor of the Silver Jubilee of His Eminence, Cardinal Gibbons, 19th of October, 1893.

May it Please Your Eminence:

MY fellow members of the Catholic Club have done me the honor to assign to me, the most agreeable office of saying in their name, and as their representative, some words of greeting and welcome to our distinguished guests; to the gentlemen here present, illustrious in civil and political life, to the Reverend, Right Reverend, and Most Reverend Fathers of the clergy and hierarchy, and especially and principally to *the* guest of the evening, in whose honor we are assembled, His Eminence, James Cardinal Gibbons, Archbishop of Baltimore.

We are all Americans, proud of our citizenship in the greatest republic the world has ever seen; by tradition, by education, and by conviction, believers in a republican form of government, and supporters of its institutions. Yet, we are here to do honor to a Prince. And we can do so with entire consistency, for this Prince of the Church is as true an American citizen and as firm a supporter of republican institutions, as can be found within the confines of the United States.

And the Empire in which he holds that rank is one to which the most austere republican can give his allegiance as loyally and as logically, as can any Royalist or Imperialist, who still believes in government by the divine right of Kings, and the subjection of the people.

For, it is an Empire not of this world. No legions of armed warriors does it command, to enforce its decree or perpetuate its power. No revenues does it control to provide for its administration, beyond those which it receives as the free, voluntary and filial offerings of its own children.

It is the empire of the soul:

> "O Rome! my country, city of the soul,
> The orphans of the heart must turn to thee."

An Empire holding its sway in the hearts and souls of over two hundred millions of mankind; it rules, indeed by Divine Right, and yet of all

governments known to man, is that one which most truly rules by the consent of the governed.

Nothing human is foreign or alien to it, and no geographical lines confine its boundaries. Just as in every part of the human body the life-blood ebbs and flows through innumerable arteries to the heart, the centre and fountain of physical life, so in this great body of the Catholic Church, the spiritual life-blood ebbs and flows through its various arteries, missionaries, priests, bishops, archbishops, cardinals; every part of the world, civilized and uncivilized, throbbing and pulsating in sympathy and union with the great heart at Rome, our Chief Bishop, Leo, by Divine Providence, Pope.

The Church has no army for war, but it has an army for peace, officered by its clergy, whose ministrations, commencing with the baptism of the new-born babe, conclude only with the Viaticum at the bedside of the parting soul. And in that long interval between the cradle and the grave, these officers stand always on duty ready to succor the weak and to admonish the strong, to advise the troubled, to relieve distress, physical, mental, or spiritual, and to carry light wherever they find darkness.

Voluntarily abandoning the family tie, the greatest of human joys, that they may better and more fully devote themselves to the welfare of their

fellow men, they consecrate their lives to their work. And, whether as parish priest, in a fever ward, an humble missionary, braving the perils of darkest Africa, a Damien, giving up his life for loathsome lepers on a Polynesian Island, or Pontiff, or Cardinal, rebuking the misdeeds of Kings and Emperors, no warrior on the tented field ever showed more self-abnegation, more steadfast purpose, or more heroic courage, than each in his appointed station, does the Catholic priest.

In this army has our Cardinal been a valiant soldier, and a valiant captain, and can truly say, "*Non sine gloria militavi.*"

We Maryland Catholics are proud to claim him as one of ourselves, born here in this good old city of Baltimore, and State of Maryland, baptized in the very Cathedral where he now pontificates, and educated at the Maryland colleges of St. Charles, and St. Mary's Seminary, here he was ordained priest in 1861.

In seven years of parochial work, it became evident that he was destined for larger fields of usefulness, and in 1868 he was consecrated Bishop, "in partibus infidelium," and Vicar-Apostolic to North Carolina, of which auspicious event we are now celebrating the jubilee, or twenty-fifth anniversary.

The State of North Carolina had, at that time, a population of one million souls, of whom only

one thousand were Catholics, scattered over a sparsely settled country, with primitive methods of locomotion. And the labors of the Vicar-Apostolic were indeed Apostolic labors. Churches he had few. Where he had none, his broad humanity, which claimed all men as his brethren, opened for him the doors of Protestant chapels, tendered for his use by his Protestant friends. For there, as everywhere, those not of his own faith, as soon as they know him, learn to admire and respect him, even as do we, his own people.

What he did, he did with all his might, and when he was transferred to the see of Richmond in 1872, he left three times the number of priests in North Carolina that he found there in 1868.

In 1877, upon the death of the Most Reverend Archbishop Bailey, to whom he had already been appointed coadjutor, he was consecrated Archbishop of Baltimore, the ninth of that illustrious line, *ex officio primate* of the United States, and head of the American hierarchy, which exalted position he holds to-day.

But still greater honors were in store for him. Appointed Apostolic Delegate, he presided over the great Baltimore council of 1884, and in 1887 he received from the hands of the Holy Father the crowning honor of the red hat of the Cardinalate.

Thus, in a ministry of twenty-six years, he had already attained every ecclesiastical honor and rank

save one. For to this magnificent list of titles, so deservedly won and so nobly worn, only one more could possibly be added. But I, a layman, may say no more upon that subject, for in this presence, it might be presumption to say what I would like to say. It has been often remarked that this glorious career from Parish Priest to Prince of the Church is typically American. But, in fact, the great majority of European Cardinals attain their rank by precisely the same means, personal merit and personal achievement. In this respect the Catholic Church is a pure democracy, and in the selection of its clergy conforms strictly to the democratic rules of equality of opportunity, natural selection and the survival of the fittest.

And, as a logical consequence of this policy, having all the world to choose from, her highest officers, the members of the Sacred College, constitute the most distinguished body of men in the world.

Selected from every quarter of the globe, representing every race and every form of political government, each individual composing it eminent for learning and piety, with that mature judgment which results only from ripe practical experience of men and things, and the administration of large affairs, reminded by the very color of their garments that they must know no fear in the discharge of duty, and be ready, if necessary, to give their

blood for the Church, they are well named Cardinal, which word, in its original signification, means pivotal, the men upon whom great things hinge, and depend. And great matters do hinge and depend upon them. With a maximum of seventy, but an average number of not over fifty to sixty, they compose the August Senate which legislates for the spiritual government of the greater part of all Christendom, and in human affairs is the greatest conservative influence on earth.

In it the Holy Father can find counselors from every clime, in touch and sympathy with every race. A Lavigerie to speak for Africa, a Manning for England (now both gone to their reward), a Hohenlohe, a Furstenburg or a Ledochowski for the Germanic and Slavonic people, a Richard for France, a Moran for far-off Australia, a Logue for Ireland, and last, not least, a Gibbons, to speak for republican Catholicism, and the rights of the Catholic American workingmen. We all know how earnest and how successful have been his efforts at Rome, to enlist the paternal sympathy of the Sovereign Pontiff in the cause of labor, and we know that from the date of his installation as Cardinal Priest of his titular Church of Santa Maria in Trastevere, when he made that magnificent address, eloquently and so forcibly proclaiming his admiration and loyalty for the government of the United States, he has never

failed to lift his voice in support of our American institutions. His public life as parish priest, as Vicar, Apostolic in fact, as well as in name, in the administration of diocesan and archdiocesan affairs, as bishop and archbishop, as Apostolic Delegate and as Prince of the Church, is an open book which all may read. And the fierce searchlight of publicity which turns to follow every movement of those high in station, has only served to show him more clearly as the ideal laborer in every field to which it has pleased the Almighty to call him.

He teaches us by example, by his deeds as well as his words, and long after his earthly voice is still, he will continue to teach our children, and our children's children, to prize "Our Christian Heritage," and cling to the "Faith of our Fathers."

But we, his neighbors and parishioners, who have the privilege of knowing him in private life, have learned to regard him not as the great ecclesiastical dignitary only, but as friend and father. We know his gentle heart, his kindly smile, his sympathetic word in time of affliction, and in the brief moments when he can lay aside the weight of his great office and indulge a little in social intercourse, his infrequent visits fall upon our houses like a benediction.

I have no words at my command, venerable father, adequately to express the affection and reverence which the Catholic Club feels for their

archbishop, and I can only fulfill the function assigned to me by tendering our sincere, heartfelt and filial congratulations upon this, your episcopal jubilee, the twenty-fifth milestone on this long road of well-accomplished duty. We thank our distinguished guests for honoring us with their presence this evening. We bid them a most cordial welcome, and we ask them all to join us in these congratulations and in wishing a long life of prosperity, honor, and continued usefulness to the Archbishop of Baltimore, our *American* Cardinal.

ADDRESS.

As President of the Catholic Association, at the Reception given to the Apostolic Delegate, Archbishop Francis Satolli, and Bishop P. J. Donohue, at the Academy of Music, Baltimore, 15th of April, 1894.

Most Reverend Apostolic Delegate, Right Reverend Bishop Donohue and Fathers of the Clergy; Ladies and Gentlemen:

THE Catholic Association of Baltimore has invited you here this evening to meet distinguished guests. You all know these eminent prelates, who they are, and what they are, but many of you, if not most of you, do not know what the Catholic Association is.

As I have at present the honor to be its presiding officer, and as the Association desires to extend its privileges to every young man of good moral

character who aspires to intellectual development, I will explain briefly the scope and purpose of our organization.

It is intended to provide opportunities to our young men of acquiring what, for want of a better name we will call higher education,—that form of instruction that teaches men to think and reason for themselves, and thus to digest and utilize the general knowledge which they have acquired in the schools or in practical life, and make the best use of their own brains.

Many a bright mind has missed its natural development, and like the young man of Gray's Elegy who "laid his head upon the lap of earth to fortune and to fame unknown," has made a failure where there should have been success, because of the lack of this opportunity, because "Fair science to his eyes her ample page, rich with the spoils of time, did ne'er unroll."

The Jesuit Fathers, always in the van of every movement for advanced education, have given us a local habitation at Loyola College, provided with suitable lecture rooms, reading rooms and other accessories. But they have done more. They have detailed from their own learned Society lecturers who give twice a week at night, courses in Ethics, Moral Philosophy, Metaphysics and kindred topics. There is also a course of languages in the form of conversational classes, two nights a week, and

every member of the Association is entitled to take all these courses of instruction for the nominal annual subscription of three dollars.

In addition, we have almost weekly public lectures by our own members on subjects in which they are experts. Thus we have heard, among others, an Engineer on Engineering, an Architect on Architecture, a Natural Scientist on Geology, a Journalist on Journalism, an Alienist on Insanity, a well known writer of fiction on the life of another famous novelist, the Health Commissioner on Hygiene, and an Electrical Engineer on Electricity. Distinguished travelers have given us the results of their labors with practical lessons in Geography, and every one of these lectures has been an instruction in the form of an entertainment, and those present (and we are glad to say that they have been fully attended) have carried home from each of them some new form of information.

At the late Catholic Congress in Chicago, a paper was read which gave such great offense, that a considerable number of the delegates present rose from their seats and left the hall upon hearing it. The idea that it expressed was that Catholics confined themselves to the lower walks of life, that as a body they lacked education and culture, and consequently did not produce, in proportion to their numbers, as many distinguished and successful men as did their fellow-citizens of other

religions. I do not know to what community the writer referred, nor on what facts the paper was based; but this I do know, that its statements are not true of Maryland When we contemplate the long list of illustrious Maryland names from Calvert, the statesman of colonial days who first proclaimed the glorious doctrine of religious liberty, on to Charles Carroll, the statesman of the Revolutionary epoch who signed the Declaration of Independence, and from him on to Roger B. Taney, Chief Justice of the United States at the time of the Civil War, one of the greatest Jurists of this country, and from him on to His Eminence, Cardinal Gibbons, the great ecclesiastic of to-day,—these, only the bright, particular stars in a shining galaxy of good and great Catholic names,—I say with this record, we Maryland Catholics can never admit that from the founding of the colony to the present time, we have not been fully the peers of any of our fellow-citizens morally, socially, politically, or intellectually, and we mean to remain so and we hope to see this Association a potent factor to that end.

These are restless days. The crank roams abroad in the land,—the man who has never been taught to think or is mentally incapable of thinking, who resists and defies all authority, divine and human, and disseminates as far as he can his pernicious doctrines.

It is, therefore, especially an appropriate time for us to study all these social and ethical questions, and brighten up our intellectual armor to combat that form of thought which culminates in Atheism, the defiance of Divine Authority, and in Anarchy, the defiance of human authority; and we may rest assured that no man can truly understand Logic and Moral Philosophy, and be either Atheist or Anarchist.

The Catholic Association now offers these educational advantages to every young man of our community, and because it is a *Catholic* Association in all the meanings of the word, the invitation is not restricted to those of our own faith, and every person who desires to join us will please give his name to the Secretary.

To-night the Association begins a new feature, its social side, in inviting you to meet the two illustrious prelates here present.

To you, Most Reverend Apostolic Delegate, we bid a respectful and cordial welcome. Any delegate bearing credentials from the Holy Father, our Chief Bishop Leo, by Divine Providence Pope, must necessarily be welcome to American Catholics, but your Grace has upon us a special claim; the claim of your Americanism. In matters concerning the government and discipline of Mother Church, we of the laity do not offer opinions, but, after hearing your eloquent voice at Chicago, when

you said that the American citizen should reverence the Constitution of the United States as his guide, in the social and political order, as he would his Bible in the moral and spiritual order, and that with the Bible in one hand and the Constitution in the other, he was equipped successfully to confront the enemies both of society and of religion, we knew that those words, if they came from Italian lips, came from an American heart. "Sermone Italico sed corde Americano."

Your Grace, with your intelligent knowledge of our history, will not have failed to note what a strong castle of refuge that great instrument has been for the American people and how it has stood the test of time. We are accustomed to speak of ourselves as a new country, and in a sense that is true, but as a government we are not at all new; we are among the oldest of Christian and civilized governments.

America, as a geographical expression, is new as compared to Europe, and the United States of America, as a geographical expression, is new as compared to France, or Germany, or Italy, or Spain, or Austria; nevertheless, the Republic under which we live is an older government than any of them. The Republic of France, the Empire of Germany, and the Kingdom of Italy, all date from 1870. The present Kingdom of Spain dates from December 31, 1874, after two years of an unsuccessful

republic. The Empire of Austria began its existence as an empire in 1804, about which time nearly every nation of Europe changed its government and its rulers in the general upheaval of the Napoleonic wars. Our government began on the 4th of March, 1789, with the adoption of the Constitution,—that rock upon which our Fathers built our national house, against which the attacks of time have not, as yet, prevailed. Danger there has been, danger from without and much greater danger from within, but the republic still stands to-day in the 106th year of its existence, unchanged in form and in substance, in the ascendant, not in the descendant,—the best government the world has ever seen.

And all the world has been invited to participate in the blessings which we enjoy. From the first the founders of the republic held out their hospitable hands, and bade the weary and heavy laden of all nations to come to them, to come not as sojourners and strangers, but as brethren and as citizens. And they have come. This great nation has 65,000,000 of people, by birth or descent springing from all the nations of Europe, but here they are all equally Americans, just as the American Catholic Church, though composed of all nationalities, is the *one* American Church.

To this church your Grace bears your great commission emanating from the highest spiritual

authority on earth,—an authority nowhere more fully recognized than it is by American Catholics.

Your Grace has greatly honored us by your presence here this evening, and this Association, in thanking you for the favor which you have conferred on us, bids you a most hearty welcome.

To you, Right Reverend Bishop, we tender our sincere congratulations. The extension of your labors to a larger field of usefulness by your elevation to the Episcopate, is the logical outcome of the learning, piety and devotion to duty displayed in the priesthood. But what we have to say to Bishop Donahue, is not what we have to say to Father Donahue, the parish priest, who has baptized our children and buried our dead, and has stood with us at the bedside of our beloved, watching for the passing of the parting soul. To him we can feel only the sadness of Farewell and the regret at the loss of our friend and pastor, while to the Bishop we offer our hearty congratulations and bid him God-speed, in his new high office.

ADDRESS.

DELIVERED AT THE TRIENNIAL MEETING OF THE SOCIETY OF THE CINCINNATI, IN BOSTON, 14TH OF JUNE, 1893.

Mr. Chairman and Brethren of the Cincinnati:

SINCE the meeting in New York in 1875, my State Society of Maryland has honored me with continuous election, as a delegate to the meetings of the General Society, and I have been present at every succeeding triennial meeting, except two, from which I was absent not by choice, but from necessity.

I need hardly say that it gives me the greatest pleasure to be present here this evening, to meet again my brethren and friends. For, although, in looking around this hall, I miss the friendly old familiar faces of many who have "joined the innumerable caravan that moves into the silent land," I still see a goodly gathering of friends, old

and new, with whom I can give and receive the fraternal hand-clasp of the "one society of friends," founded on the banks of the Hudson in 1783.

At the meeting in 1875, it so happened that, for the first time since the close of the civil war, all the existing State Societies were represented. The delegates from the States of Maryland and South Carolina had all been in the Confederate Army, and the delegates from all the other states had, naturally, supported the Federal cause. But the spirit of fraternity as Cincinnatists was too deep and strong to permit even the slightest word to be spoken, which could offend the most delicate susceptibility. All the proceedings were conducted in the true Cincinnati spirit, as a society of Americans, a society of friends, a society of gentlemen.

Our distinguished President, who, although physically unable to be present on this occasion, is, as we all know, always with us in spirit, presided at that meeting. And I shall never forget a statement made by that great American citizen, at that time Secretary of State in the cabinet of General Grant, in his speech accepting re-election to the office of President. He had held the highest offices in the gift of his native State of New York, and (excepting that of President) in the gift of the United States of America. But he declared, that

of all the honors that he had received in his life, the one he most prized, was that of being President-General of the Society of the Cincinnati.

The impression made upon me then, as a young member at his first general meeting, has not in any wise lessened in all these years. On the contrary, each succeeding meeting which I attend, makes me more and more sensible of the honor conferred by membership in this ancient Society, and more and more appreciative of its purpose and mission.

All of the kindred associations which have come into existence since 1876, composed of men and women of revolutionary blood, and which have for their objects the preservation of our national history, have a mission; the high and noble mission of perpetuating the glories of our republic, and the teaching of true Americanism. And this, too, is the mission of the Cincinnati. But to us alone as a Society, is the glory of being founded by the very men who founded the United States of America, at the end of their long war in 1783, *not* by Americans, however patriotic, after a hiatus of a century. And being strictly hereditary and in continuous existence, from the beginning of our national history up to the present time, our members transmit direct from sire to son the traditions of the past, each family preserving as a precious heritage, the memory and the life-story of its own ancestor,

and of the services, civil and military, which he rendered to his country.

We are accustomed to speak of ourselves as a new country, with few old associations and traditions, but among the great governments of the civilized world we are as a government not at all new. We are older than most of them. The Republic of France—the Empire of Germany—and the Kingdom of Italy—all date from 1870. The present Kingdom of Spain began 31st December, 1874, after two years of existence as a Republic. The Empire of Austria began its existence as an empire only in 1804, about which time nearly every great nation of Europe changed its government and its rulers, in the general upheaval of the Napoleonic wars. Our government began on the 4th of March, 1789, so that of the principal Christian and civilized governments now existing, we are the seniors of all, except Russia and England.

America as a geographical expression is new as compared to Europe, and the United States of America as a geographical expression is new as compared to France, or Germany, or Italy, or Spain, nevertheless the Republic under which we live is an older government than any of them. Our fathers built our house upon a rock, and the attacks of time have not as yet prevailed against it.

Columbus discovered America in 1492 (Don't be afraid, gentlemen, I am not going to enlarge on that subject. I know that during the past months you have been fully informed concerning that great event). The men who followed him and settled North America, though mainly English, came from all the countries of Europe, and they brought the habits and traditions and ideas of their own countries with them.

But there was *one idea* that they did not bring with them, an idea which was born on this continent—the true fundamental American idea which was the beginning of Americanism, and found here in America its first expression.

Two hundred and eighty-four years after Columbus announced his discovery, the representatives of the thirteen American colonies made a declaration of this new idea, a discovery, a revolution in the social and political order, as great, as radical, and as fruitful in results, as was the discovery of Columbus in the geographical order, or the foundation of Christianity in the moral and religious order.

This idea may have been, nay, must have been, for centuries existing dormant in the minds of men, just as America had slept for countless ages in the solitude of the Atlantic waiting her discoverer.

But it was born into the world on the 4th day of July, 1776, and its fathers, who in support of it

mutually pledged to each other their lives, their fortunes, and their sacred honor, thus announced it,—

"We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certian inalienable rights and among these are life, liberty, and the pursuit of happiness. That to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed; and that whenever any form of government becomes destructive of these ends it is the right of the people to alter or abolish it."

In these days, with our American education, we can scarcely realize what that declaration meant to the mind of the eighteenth century. Every civilized government was then ruled by a King or an Emperor. An aristocracy existed in every country, with rights and privileges, rank and position, which placed them above, and superior to the rest of the common people. And the people were not called citizens, but subjects, and they were rightfully so-called, because custom and law subjected them to their feudal superiors, and made them live in a state of servitude unworthy of free men and citizens.

Good men, intelligent men, pious men, believed and preached that a King was the Lord's anointed, and ruled by divine right, that there was a divinity that hedged him about, and made him something above our ordinary mortal clay, something more than human.

It was the accepted theory of all men that the King could do no wrong, that it was his to command and his subjects' duty to obey, almost as they would the decrees of the Divinity itself.

Imagine, then, the amazement with which men heard this new doctrine; that government belonged to the people, and was their servant, and not their master—that all men were born free and equal—that the son of a King or an Emperor or a great Lord, came into the world, with no more rights than the son of the common man—that the divine right of Kings was a lying pretence—and that the only real Sovereign was the sovereign people.

Could any doctrine have sounded more heterodox, more incendiary, more wicked, and more revolutionary, to the ear of the middle of the eighteenth century?

But those men in Philadelphia were not afraid to proclaim it, and to sign their names to it, and to risk their lives and their fortunes to uphold it.

And after signing their names they conclude their great document with this resolution—

"Resolved: that copies of this declaration be sent to the several commanding officers of the Continental troops, and that it be proclaimed in each of the United States and at the head of the Army."

The statesmen and thinkers had for the time being done their work. They had announced to the world their idea and its purpose and they con-

fided its execution to the several commanding officers of the Continental troops, to Washington and his generals. May we not say to the original members of the Society of the Cincinnati?

In every great emergency there appears a Providential man, a man equipped by an all-wise Providence with all the requisites to meet the needs of the occasion. Our Providential man was George Washington. Already in command of the army months before the Declaration of Independence, his obvious fitness to direct the fortunes of the revolution made him the man of destiny, and marked him as the leader, sent to accomplish the independence of our country.

His youth, full of brave deeds in the Indian wars, trained him as a soldier. The vicissitudes and varying fortunes of the new Republic trained him as a statesman, but God Almighty created him a hero and a patriot.

From the time that he assumed command of the army, until that day at Annapolis, when he laid down his stainless sword, having, as he said, in his own simple and modest words, "now finished the work assigned to him," no danger appalled him and no reverses discouraged him.

During all these seven long, weary years, every fiber of his body, and every aspiration of his soul, was consecrated to his country's cause freely and unselfishly.

It seems incongruous to mention money in connection with the name of Washington, but in this practical age we should remember the fact that he would never receive any pay for his services. His soul was too great and his purpose too high. He would give his heart's blood for his country, but he wanted nothing in return, beyond that proud satisfaction which is the reward of well accomplished duty, the satisfaction of the patriot who has won his country's battle.

But why should I speak to Americans, much less to you, my brethren, about the Father of our Country? What can I say of him that you do not know?

We of the Society of the Cincinnati have an ancient custom, handed down to us by our fathers who were by his side from 1776 to 1781. At our reunions the first and only regular toast is: "Gentlemen of the Cincinnati, the memory of Washington" —no more, no less. We speak no word. We drink the toast standing and in silence. We feel that the mere mention of his name, carries with it his eulogium and panegyric, and words are superfluous.

I will follow the ancient custom of our society and "no further seek his merits to disclose." He sleeps with the immortals, "first in war, first in peace and first in the hearts of his countrymen."

"Birds of a feather flock together"—Around the eagle Washington gathered other eagles. Great Nathaniel Greene, who led our[1] Howard and Stewart and Gunby and Hall at Cowpens and Eutaw, and Guilford Court House.

Mad Anthony Wayne, gallant, reckless, handsome, panting like a young knight for glory, somewhat given to the use of strong language, as when he told General Washington that he would storm hell if his General ordered it (which was more patriotic than proper). He did storm Stony Point with Maryland's Col. Jack Stewart commanding his left wing, one of the most heroic exploits in all the annals of war.

And all the other great revolutionary names that rise up before us. When shall their glory fade? Knox, Steuben, Putnam, Moultrie, St. Clair, Stark, Gates, Morgan, Schuyler, DeKalb, LaFayette and our own Smallwood, Gist, and Otho Williams.

What a galaxy of heroes and patriots, and what a work they accomplished!

Well did they fulfill the trust confided to them by the signers of the Declaration of Independence and the Continental Congress.

They created the greatest, freest and most prosperous nation on the face of the earth, where the people are really sovereign, and the Government

[1] This is the response by the Chairman of the Maryland delegation to the toast to "The Society in Maryland."

derives its just powers only from the consent of the governed.

And having finished their work they beat their swords into ploughshares, and, like Cincinnatus, retired to their homes to enjoy the fruits of their labors. But from the first they were willing to share their goodly heritage with all their fellow men. They held out their hospitable hands to the toilers over the sea, and bade the weary and heavy laden of all lands to come to them; to come, not as sojourners and strangers, but as brethren—as citizens. And they have come in such numbers that the little thirteen colonies have expanded to a nation of sixty-five millions of people.

The great Captains of the Revolution have long ago passed over to the farther shore—

> "The Knights are dust, and their good swords are rust,
> Their souls are with the Saints we trust."

But their memory lives; and it is the duty of all Americans, and the special privilege of those of revolutionary blood, to see that it shall never die.

This Republic of the United States, this great, free and happy country, is the handiwork and the monument of Washington and his officers, the founders of our society.

All men feel a pride in honorable ancestry. Some claim descent from the Crusaders, some from the adventurers who with William the Norman conquered England.

For us Americans it is honor enough, to be descended from an original member of the Society of the Cincinnati.

It has existed since 1783. It has no political, sectional, selfish or unworthy purpose. It is purely American. To use the words of the fathers. May it "endure as long as we shall endure or any of our oldest male posterity." Esto perpetua.

ADDRESS.

Delivered before the United Catholic Literary Societies, at Bay Ridge, 30th of June, 1894.

THE Catholic Congress which met in Baltimore in the fall of 1889, was fruitful in good results, and among other good things which it brought about was the formation of the United Catholic Literary Association, under whose auspices we are gathered together to-day. The object of this Association is simply to keep all our Catholic lyceums and literary societies in touch and in sympathy, so that they may have the opportunity to meet on some common ground in the friendly rivalry of debate or literary discourse. The fire of genius is not unlike that fiery spark which is in the flint stone, it will never show itself until brought into sharp contact and attrition with another flint, and the sharper the contact the more sparks will fly.

Through the munificence of the Rev. Father Didier, who donated to the society its present home, No. 21 East Centre Street, an Employment Bureau has been opened, where fees are not charged until positions are actually obtained, and this feature has so far given most satisfactory results.

For some years past (I believe five), this annual excursion has been held for the purposes of social intercourse and recreation, and the day chosen is called "Catholic Day."

When I contemplate this vast assemblage of fair women and brave men, gathered here on the shores of this beautiful Chesapeake Bay, and reflect that they represent nearly one-third of the population of the great city of Baltimore, imagination carries me back through the centuries to the first Catholic Day in Maryland, when Leonard Calvert, with his little band of two hundred, landed at St. Mary's, and founded this good old State of Maryland.

Fortunately, we have the testimony of an eye witness and participant in the events of that day, and do not need to violate the rules of law and produce hearsay evidence.

My grandfather's brother, a Jesuit priest, Father William McSherry, in the year 1832, discovered in the archives of the Society of Jesus, in Rome, a paper called the "Relatio Itineris," which proved to be a full account of the voyage of the Ark and the Dove, written by Father Andrew White, who,

together with Father John Altham, another Jesuit, was a missionary who accompanied the expedition. This paper Father McSherry carefully copied and deposited in the archives of Georgetown College, and it has been translated and published in its entirety by the Maryland Historical Society, recognizing it as the very foundation and cornerstone of the history of Maryland.

A voyage in those days was an undertaking before which the stoutest heart might quail. Navigation was comparatively a new science, pirates infested the seas, and so many nations were at war, that it was difficult to know what was a friendly or unfriendly port in case that it was necessary to make a haven of refuge.

All of these things the good Father White tells us. "On the 22d November, 1633, being St. Cecilia's day, they sailed from Cowes, in the Isle of Wight, after committing the principal parts of the ship to the protection of God especially, and of His most Holy Mother, and St. Ignatius and all the guardian angels of Maryland." After many dangers and vicissitudes, they arrived at Old Point Comfort, in Virginia, on the 27th of February, 1634. There they rested some nine or ten days. Then they proceeded to explore this new country, and on the 25th day of March, 1634, day of the Annunciation, they celebrated the Mass for the first time on St. Clement's Island.

The good Father says: "This had never been done before in this part of the world. After we had completed the sacrifice we took upon our shoulders a great cross which we had hewn out of a tree, and advancing in order to the appointed place with the assistance of the Governor and his associates and the other Catholics, we erected a trophy to Christ the Saviour, humbly reciting on our bended knees the Litanies of the Sacred Cross with great emotion."

And this, ladies and gentlemen, was the first "Catholic day" in Maryland, the first Christian day in Maryland, and the beginning of a new epoch in the history of the world.

For these our ancestors brought with them more than the outward and visible signs of the faith. They brought the inward and spiritual grace of Christianity, which preached not only glory to God on high, but also peace on earth to men of good will, toleration, freedom of conscience, the glorious doctrine of religious liberty.

We of to-day, brought up under free American institutions, can scarcely understand the temper of those times, and the trials and persecutions which these men had suffered for conscience' sake. To be a Catholic was to be a criminal, subject to penalties of every kind, confiscation of property, imprisonment, death. A priest was an outlaw who incurred the death penalty by merely putting his

foot on English soil. Acts of Parliament, beginning in the reign of King Henry the Eighth, declared that it was treason to the King, and punishable with death to deny his spiritual supremacy. For this offense, the great Chancellor, Sir Thomas More, who, Sir James Makintosh says, was one of the best men that was born in England in a thousand years, was beheaded, as were many others. And all through the reigns of Elizabeth, and James the First, and Charles the First, these persecutions continued, so that it was impossible under the laws, for any Catholic to practise his religion in quiet and in safety.

In this condition of affairs, in order to provide a place of refuge for his persecuted co-religionists, the great George Calvert, first Lord Baltimore, petitioned the King for the territory where we are now standing, and prepared the charter. But dying before it could be signed, it was on the 20th of June, 1632, delivered to Cecilius, second Lord Baltimore, the worthy son of his good and great father, by King Charles I., who named the land "Terra Mariae," or Maryland, after his queen Henrietta Maria.

And so the Ark and the Dove carried to this beautiful bay, the men who, flying from intolerance and persecution at home, brought Christian charity in their hearts, and at once held out their hospitable hands to men of all religions and bade

them welcome to Maryland. For here on this Chesapeake shore, for the first time in history, every man had liberty to do the right as God gave him to see the right. And here in Catholic Maryland a Catholic Legislature passed the "act concerning religion," which was signed by the Catholic Lord Proprietary, and was the first official proclamation in all the world, recognizing freedom of conscience and religious liberty.

How can we Marylanders think of it without a thrill of honest pride, that our forefathers gave to America and to the world this glorious proclamation, which has been so well called the "day star of American Freedom." For, after religious liberty came civil liberty, and the new republic of the United States.

And let it never be forgotten, that the old spirit of fairness and firmness which characterized the first colonists, survived in their descendants. During and after the Revolution, when the first articles of confederation were under consideration, Virginia and other States claimed all the land back to the Mississippi River and even to the Pacific. Maryland said no. The land beyond the boundaries of each colony, we have won from Great Britain by our common and mutual struggle, and we have given our blood to win it. It shall belong in common to all of the thirteen States; and it was only in 1781 that the objectors admitted the

justice of Maryland's argument, and she signed the articles. Thus the great West and Northwest territory was thrown open to immigration and has become the wonder of the world.

But with all the enormous prosperity and increase in population, which has been the result of civil and religious liberty in the United States, some evil things have developed, which may, if not checked and counteracted in time, become a formidable menace to our civilization.

We have seen within the last few months the extraordinary spectacle, of men blasphemously calling themselves the reincarnation of the Saviour and marching at the head of a nondescript so-called army, which is even now in the neighborhood of the national capital with some project of law, so vague that they cannot themselves define it.[1]

Throughout the West we see bodies of lawless men who seize the property of railroads, and claim free transportation as a right which they will assert by force of arms if necessary. And in the last few days the adjutant-general of a State has been tarred and feathered, simply because he did his duty as an officer of the law. There are men among us with wild theories of Socialism, who deny the right of property at all, and declare that governments ought not to exist. Socialists, communists, anarchists, the natural enemies of law

[1] The Coxey "army" was at that time in camp near Washington.

and order, seem to be increasing in the land, endeavoring in all directions to disseminate their incendiary and pernicious doctrines.

To counteract all this distorted and vicious form of thought, the strongest influence that can be brought to bear is the great conservative influence of religion, above all of the Catholic religion, which is the greatest conservative force on earth.

The anarchist who defies all human law is almost invariably an atheist who defies divine law, and there can be no such thing in existence as a Catholic anarchist.

Order is heaven's first law, and ministers of religion are everywhere supporters of law and order. Every parish priest who goes his daily rounds is a teacher, not only of religion but of good citizenship, and an American cannot be a good Catholic, without being a good citizen.

Speaking, therefore, as an American citizen, and not from any religious standpoint, I rejoice to see this large gathering of societies and wish there were a hundred more. For every Catholic Society, be it literary, beneficial or social, whether it be called a Knighthood, or a Lyceum, or an Association, is a potent factor for good government and conservatism. And the more widely that discipline of the mind which the Catholic Church teaches is disseminated, the more secure will be the government under which we live, and the

less will we have to consider either socialism or anarchy.

A pall hangs to-day over our sister republic of France. A good man, a pure man, and a useful man, the President of the republic, has been within the last forty-eight hours stricken down by the dagger of the assassin. He was in a state carriage with a guard of honor; the streets were full of his friends and admirers, and police were everywhere. But all of this did not protect him. Do you know what would have protected him more effectually than all the guards in the world? A little religion in the heart of that assassin, would have been more potent to save the life of President Carnot, than any conceivable human safeguard.

So that I feel in looking at these societies of ours, all affiliated with churches and under the auspices of religion, that they are the safeguards of the Republic. May they increase in influence and in numbers, and may each succeeding Catholic Day show a larger and fuller harvest from the seed sown by our forefathers at St. Mary's on the 25th of March, 1634, the first Catholic Day in Maryland.

SOME FAMILY PORTRAITS

AND

SOME MARYLAND BIOGRAPHY.

ON the walls of my library hang several pictures of very great value to me, and of considerable historical interest, at least in Maryland. They are portraits of my father, Dr. Richard McSherry, by Hallwig, and also a miniature by his life-long friend, General David Strother (Porte Crayon); of my great-grandfather, General John Kilty, by Sharpless; of his brother, my great-grand-uncle, Chancellor William Kilty, by Rembrandt Peale; and of my great-uncle, Rear-Admiral Augustus H. Kilty, U. S. N., by Dabour.

Lord Macaulay's Roman singer tells us that no man can die in a better way "than facing fearful odds for the ashes of his fathers." And if it be so high a duty to protect what remains of "this muddy vesture of decay," after it ceases "to grossly close us in," how much more obligatory is it to preserve

the *memory*, the spiritual part, of those of our own blood, who have gone before us.

Scientist, General, Chancellor, Admiral, "*Non omnis moriar*," some part of you shall not die, at least so much as may be preserved by this slight record.

Before a congregation which filled the old Cathedral to its very doors, and represented the best of ecclesiastical, literary, professional, and social Baltimore, Bishop Curtis, his intimate friend and confessor, preached my father's funeral sermon. Pointing to the coffin, over which Cardinal Gibbons had just given the last benediction of the church, he said, "There lies what was science, and intellect, and knowledge, and culture, but of all the qualities of his mind the most predominant was humility, *modesty*. He never himself really appreciated his own power and worth; I was his friend and know whereof I speak." The good Bishop exaggerated nothing when he said those words.

Doctor Richard McSherry was born in Martinsburg, West Virginia, 21st November, 1817. His father, Richard McSherry, was for 50 years the leading physician in that community.[1] His mother

[1] The following account of his life was written by the Hon. Charles J. Faulkner, for many years member of Congress from that district, and ex-minister to France. Mr. Faulkner was a ward of the first Richard McSherry and brought up in his family. It was published at the time of the old Doctor's death:

"Dr. Richard McSherry was born in the county of Berkeley, upon the farm known as 'Retirement,' near Leetown, on the 28th of May, 1792, and

was Miss Ann C. King, of Georgetown, D. C., who was a lineal descendant of the first Lord Baltimore. His grandfather, Richard McSherry, was an Irish gentleman, who had settled in Jamaica, but came to this country in the latter half of the eighteenth century. He arrived at first in Baltimore, soon afterwards married Miss Anastatia Lilly, of Conowago, Pennsylvania, and finally settled on his estate, "Retirement," in Jefferson County, Virginia, where he died in 1822. He was one of the largest land-

was the eldest son of Richard and Anastatia McSherry, who both lived and died on that estate. He was educated at an academy at Frederick, Maryland, then at Hagerstown, and lastly, at Georgetown College, D. C., where he went through a full course of instruction. He commenced the study of medicine under Dr. Samuel J. Creamer, a graduate of Edinburg, and a very accomplished physician, residing at Charlestown. From thence he went to Philadelphia and entered the office of Prof. Nathaniel Chapman, of the University of Pennsylvania, at which university he graduated in medicine in 1816. Meantime, while attending the lectures, the war of 1812 broke out and he joined a company from his native county, and marched to encounter our British invaders; and, upon the death of the medical officer attached to the command, he was commissioned in his place, and served as a surgeon until the end of the war.

"In 1816, he commenced the practice of his profession in Martinsburg, and enjoyed an extensive and lucrative practice until 1871, when he withdrew from the practice. He was married in January, 1817, to Miss Ann C. King, daughter of Mr. George King, of Georgetown, D. C., whose family were of the early Maryland colonists.

"He died in Baltimore, at the residence of his son, on the 20th of December, 1873, and his remains were interred in the Catholic cemetery of Martinsburg.

"No man enjoyed a more enviable reputation than Dr. McSherry. As a physician, he stood in the first rank of his profession, and by constant study kept progress with the advance of medical science. His mild and amiable temper, bland and courteous deportment to all, made him a general favorite. His reading extended beyond the scope of his professional studies, and his familiarity with history and general literature made him at all times an agreeable companion. He was kind and charitable, and bore throughout life a reputation of unsullied integrity."

holders in the lower valley, and, being a very well-known Catholic, all priests who travelled in that direction were his guests, and the chapel at "Retirement" was for many years the only place in all that section where mass was ever celebrated.[1]

My father was educated at Georgetown College, of which his uncle, Rev. William McSherry, S. J., was President. He studied medicine in the Universities of Maryland and Pennsylvania, graduating in Philadelphia. He was commissioned in the U. S. Army, 21st August, 1838, as an assistant surgeon, and served under General Taylor, in the Seminole War in Florida.[2] In 1840, he resigned his commission.

On January 4th, 1842, he was married by Archbishop Eccleston, to Catherine Somerville, oldest child of Robert Wilson, and his wife Elizabeth Kilty. The ceremony took place at the country residence of Robert Wilson, Sr., the bride's grandfather, "The Cottage Newington," now that part

[1] In this connection some very curious stories are told. The missionary priest, Prince Demetrius Gallitzin, who was a constant visitor at "Retirement" at that time, wrote about them and believed them. They are all published in a work, by Father Joseph M. Finotti, called "The Mystery of the Wizard Clip." I have heard these stories since my earliest childhood, but I feel concerning them very much as old Bernal Diaz did, in Mexico, when he was told that St. James himself came down from heaven on a white horse, and assisted Cortes to rout the heathen and capture the city. Old Bernal said: "I am no clerk, only a soldier. Perhaps the blessed Santiago was there, and I, sinner that I am, was unworthy to behold him, *but I would feel more sure of it if I had seen him with my own eyes.*

[2] His miniature, by General Strother, is taken in the army uniform of that date.

of the city of Baltimore, between Fulton Avenue and Gilmor Street, near North Avenue.

On the 22nd November, 1843, he was commissioned as assistant surgeon in the United States Navy. At the breaking out of the Mexican War, a regiment of marines was sent to the front, and from the medical staff of the Navy, Dr. McSherry was detailed as their regimental surgeon, and Dr. Elisha Kent Kane, the Arctic explorer, as assistant surgeon. He served during the whole campaign under General Winfield Scott, and was present at the capture of Chapultepec, and of the City of Mexico. Being an excellent Spanish scholar, he had exceptional advantages for observation in his intercourse with the Mexicans, and on his return, he wrote "El Puchero," or "a mixed dish from Mexico," a work which had a great success at that time.

He made a cruise around the world in the frigate "Constitution" (Old Ironsides), under Captain "Jack" Percival, and served in the East and West Indies, North and South America, Asia and Africa. During all his travels, he was an ardent student of his profession, and acquired a knowledge of a great variety of diseases. He resigned from the Navy on 17th April, 1851, being then stationed at the Naval hospital at Norfolk, and removed his family to Baltimore, where he resided all the rest of his life.

He was elected Professor of Materia Medica and Therapeutics, in the University of Maryland in 1862, and subsequently took the chair of Principles and Practice of Medicine, which he held until he died. He was President of the Medical and Chirurgical Faculty of Maryland, in 1883, and was one of the founders and the first President of the Baltimore Academy of Medicine. At the time of his death he was President of the State Board of Health. As a representative citizen, physician, and churchman (for he was a devout Catholic),[1] he was constantly called upon to fill public positions, for which his well-stored mind, fine presence, and exceptional oratorical powers, so well fitted him. But withal, and notwithstanding his conscientious attention to his large private practice, he always found some time to devote to literary pursuits, and outside of his very numerous contributions to medical literature, he wrote and published a number of other works, "Health, and how to promote it," "The Early History of Maryland," "Mexico and Mexican affairs," and a number of scholarly essays on various subjects.

His useful and honorable life came to an end on 7th October, 1885. Surrounded by his family, he passed away after a month's illness, and was buried in his family lot in Bonnie Brae Cemetery. The

[1] He was continuously the physician to the last four of the Archbishops of Baltimore, including the present incumbent, Cardinal Gibbons.

press of Baltimore, and the various institutions with which he was connected, all made appropriate mention of his death, and eulogized his character.

Dr. McSherry had eight children; four died very young. One, William Kilty, a Lieutenant U. S. M. C. predeceased him, dying in his 26th year. He married Miss Charlotte Combs, but never had any children, Dr. McSherry's widow died 2nd December, 1893. Three of his sons are now alive and reside in Baltimore, Richard Meredith, Henry Clinton, and Allan McSherry.[1]

[1] The name of McSherry was originally Hodnet. A certain Odo de Hoddenet, who was in the army of William the Conqueror, received as a reward for his services, the lands in Shropshire, England, which are still called Hodnet. One of his descendants, presumably an adventurous younger son, went to Ireland with Strongbow. His name was Geoffrey Hodnet. In "Irish Names of Places," by Joyce, M. H. Gill & Son, Dublin, 1883, Vol. 2, p. 169, appears the following: "A little to the west of Kinsale in Cork is the bay and marine village of Courtmacsherry, the court of MacSherry, or Geoffrey's son. The person who built his residence or 'Court' here and gave the place its name was an Englishman called 'Hodnet' who came from Shropshire, but the family degenerating [*sic*] into the Irish customs, assumed the name of MacSherry. The original MacSherry is still vividly remembered in the traditions of the neighborhood." See also "Annals of the Four Masters," translated from the original Irish by Owen Connelan, note, p. 180, Byran Geraghty, Dublin, 1846, and Smith's "History of Cork," Vol. 2, p. 3. In the Irish Keltic language Mac means *son of*, and Sherry means *Geoffrey*, and this Geoffrey Hodnet, the founder of the family, who created the name, was therefore the progenitor of all the numerous MacSherrys born since his time. In Cromwell's time James and Edmond Hodnet MacSherry were outlawed as Catholics and Royalists, and dispossessed of Courtmacsherry, which was then given by the Protector to one of his followers, a Major Gaskins. The writer visited Courtmacsherry some years ago, and heard many verbal confirmations of the family traditions. At that time the estate belonged to Lady Boyle for life, with remainder at her death to her nephew, the Earl of Shannon.

The following Obituary Editorial appeared in the Maryland Medical Journal, 17th October, 1885.

We are rarely called upon to chronicle the death of any one whose loss is so universally felt as that of Dr. McSherry. His position in this community was a singularly enviable one. He was the representative of all that is cultivated, dignified and honorable in the medical profession, and combined in an unusual manner the skill, experience and learning of the physician, with the tact, grace and amiability of the gentlemen. To the wealth of information, derived from a life of study, he added large stores of practical experience, gathered in many parts of the earth, as army and navy surgeon, as well as in an extensive practice in Baltimore. His lectures were clear, concise and practical, not unfrequently adorned with apt classical quotation or seasoned with crisp, humorous anecdote. Students were always attracted by his genial, kindly nature, and felt no hesitation in laying their troubles before him, and whether the plea was for professional information or for relief in personal difficulties, none left him without feeling an increase of that affectionate and grateful regard in which he was universally held. He was particularly kind and considerate towards the younger members of the profession, and while he

always had the courage of his convictions, no one who knew him ever entered the consultation room with him, in the fear of any of those unmanly methods which sometimes makes consultations odious. He was always fair and honorable, and a meeting with him was often of as much advantage to the doctor as to the patient. In religion he was a devout Catholic, and although he clung to his faith with noble consistency, he always manifested the greatest liberality towards those who were not of the same ecclesiastical household. He lived a singularly pure and blameless life, and met death with the same unflinching fortitude he had shown in the contingencies of life.

A special meeting of the Medical and Chirurgical Faculty of Maryland was held on October 10th to take action in regard to the death of Professor McSherry. The meeting was called to order by the President, Dr. John R. Quinan, who made the following eulogistic remarks:

Gentlemen of the Faculty:—Without being privileged to claim an intimacy with our late distinguished colleague for as long a period as some of you enjoyed, yet I have known him sufficiently to have acquired a profound respect for his talents as a physician, and a loving regard and admiration for him as a man.

My first acquaintance with him began twenty-seven years ago, when I met him at my father's (whose family physician he was) in attendance on my brother. I am also myself indebted to him for his skillful and kind attention to me during sickness, and since my removal to Baltimore, in 1869, I have had frequent occasion for his professional aid and counsel, and every interview has only deepened my appreciation of his talents, skill and worth.

In a cooler mood and with feelings less agitated by a sense of our recent loss, I should take interest in tracing his long and brilliant professional career —from the time he sailed in the "Constitution" and gathered his varied observations of disease in every country and clime, to the day when he followed the fortunes of Gen. Taylor through the Everglades of Florida, and again Scott, to his bloody but triumphant march to the City of Mexico—the record of which he has embraced in "El Puchero," a book that can still be read by lay and professional readers with profit and pleasure.

Again we would like to follow him into his civil practice, and eminently successful pursuit of his profession in Baltimore from 1851 till his death. We would recall the solid wisdom of his instruction in the Chairs of Materia Medica and of Practice in the Maryland University, and the dignity with which he graced the highest office

in your gift, the Presidency of this venerable Faculty; but I leave this portraiture to another occasion and to some abler hand. Enough for us to-day to feel assured, (as all must do who knew him) that his biographer, however critical, will find his subject faithful to his trust in every position he has filled, and entitled to the verdict, which is but the echo of our own hearts to-day, "Well done, good and faithful servant." To-day, my feelings prompt me rather to dwell on his virtues as a man; on those individual traits of character that endeared him most to those who knew him best.

Inheriting the blood of the Calverts on the one side, and the stern principles and fervid patriotism of a Revolutionary sire on the other (for I am a full believer in the inheritance of both mental and physical qualities), he seemed to unite in his own character and manners, the gentle courtesy of the one ancestor, with the courage and unflinching firmness of the other. He was truly a brave Christian gentleman, a very Bayard, "without fear and without reproach," and recalled to me Wordsworth's portrait of the "Happy Warrior,"

> "Who, doomed to go in company with Pain
> And Fear and Bloodshed—melancholy train—
> Turns his necessity to glorious gain,
> More skillful in self-knowledge, even more pure
> As tempted more; more able to endure

As more exposed to suffering and distress,
Thence also more alive to tenderness;
But who, if he be called upon to face
Some awful moment to which Heaven has joined
Great issues, good or bad, for humankind,
Is happy as a lover, and attired
With sudden brightness, as a man inspired,
And through the heat of conflict keeps the law
In calmness made, and sees what he foresaw.
He, who, though thus endued with a sense
And faculty for storm and turbulence,
Is yet a soul whose master bias leans
To homefelt pleasures and gentle scenes,
Who, while the mortal mist is gathering, draws
His breath in confidence of Heaven's applause."

Such was our friend, and to his name we pay the willing homage of our hearts to-day. Brothers, if we cannot claim his talents, let us emulate the example of his virtues and his life.

On motion, a committee of five was appointed to draft resolutions and to report at this meeting.

The Committee, consisting of the following gentlemen, Drs. S. C. Chew, C. Johnston, F. E. Chatard, Jr., Thos. Latimer and Thos. Murdoch, presented the resolutions, which were offered by Dr. S. C. Chew in the following words:

Mr. President and Gentlemen of the Faculty:—In presenting the resolutions prepared by your Committee, I desire to say a few brief words prompted by the relations of close personal friendship which existed for many years between Dr. McSherry

and myself. These relations have now become memories, and all the more valued and cherished memories from the fact that they are a transmitted heritage, the continuation of a long and cordial intimacy between Dr. McSherry, and his immediate predecessor in the Chair of Practice of Medicine in the University of Maryland, my father. It was my privilege and my pleasure to know Dr. McSherry very thoroughly, both in professional and personal intercourse. As a physician, he was distinguished by the quality of judiciousness which made him a good and safe practitioner. He was eminently conservative; and, while always willing to give fair trial to whatever of new might come with good credentials, yet he never allowed himself to be swayed, either as to methods of practice or the use of individual agents, by those waves of medical opinion which so often show to the educated intelligence that they are transitory and delusive. As there are many present who will agree with me in this estimate of his professional abilities, so there are some whose opportunities of knowing him were such that they can confirm my statement that, as to his personal character, Dr. McSherry was among the best of men. He was eminently a pure-minded and a charitable man. In my long acquaintance with him I never knew him to entertain a sentiment or utter a word of unkindness towards anyone. Through life he was

governed in all his dealings by a truly Christian spirit; and his acceptance of Christianity was not only an intellectual conviction of its truth; it was that, as I know from very many conversations with him upon the subject, but it was something more than that. It was the guiding, actuating principle of his life, and he furnished another illustration of the truth, which has been set forth by the examples of many noble members of our profession, by Laennec, by Trousseau, by Couvelhier, by Paget, by Clark, and by a multitude of others, that there is no antagonism between the spirit that is occupied with the truths of physical science and the spirit which bows submissively and adoringly before the throne of God.

Your Committee would offer the following resolutions:

Resolved, That the Medical and Chirurgical Faculty of Maryland, assembled to take action in regard to the death of their late fellow-member and former President, Dr. Richard McSherry, are profoundly conscious of the loss sustained by themselves as a Faculty, by the medical profession and by the whole community.

They would express their deep appreciation of those endowments and qualities of Dr. McSherry, which made him a judicious and conscientious practitioner, a wise and able counsellor of his professional brethren, a valued and beloved friend.

While lamenting that he has been removed from the sphere of his faithful labors, they recognize the fact that the calm and peace of his closing hours, were the fitting end of his well-spent and noble life.

Remarks of Prof. Christopher Johnston in Seconding the Resolutions:

Mr. President:—In seconding the resolutions of your Committee, I cannot allow the occasion to pass without giving expression to the deep sorrow which fills my heart at the loss of our distinguished, revered and beloved brother and colleague, Professor Richard McSherry. He is gone, we see no more his venerable form and kindly face, but the example of his virtues will endure as long as memory holds her seat.

It was my privilege to have enjoyed the acquaintance and friendship of Dr. McSherry for about twenty-five years, a period equal to the length of life of many gentlemen here present to-day. In all that time I had constant opportunities for observing his earnestness and assiduity, his ability as a practitioner and as a teacher of medicine, the vigor of his mind, the variety of his attainments, the fidelity of his friendships, and the scorn with which he regarded all that is equivocal or base. I also was familiar with the directness of his action and the uprightness of his character, with the simplicity and dignity of his demeanor, and the wisdom and purity of his life. Thus the picture that I have sketched corresponds with that drawn by the mover of the resolutions before you, and you must feel that it is correct; but if I should

add anything to what I have said concerning our deceased brother, I would apply to him one of the most beautiful of the beatitudes: "Blessed are the pure in heart, for they shall see God."

Dr. W. C. Van Bibber's Remarks.

In advocating the passage of these resolutions which have been offered, Mr. President and my brethren, permit me to say that, although they well express our feelings for the moment, yet, the death of an old and tried friend, like Dr. Richard McSherry, brings other feelings which words alone cannot express.

We were reminded by the Rev. Orator at the altar yesterday that nothing which can be done by us here can in any way affect him now.

In the religious view which he took at the interment of his remains, we can pray for his immortal soul, and this I trust we have done, and will continue to do; but for ourselves, individually and collectively, as in this society, of the interests of which he was always an ardent promoter, we may be benefitted and strengthened in our lives by holding up a mirror before him as he walked among us. And whilst looking upon it, let me describe briefly some of the reflections to be seen there, and some of the impressions which his life has left with us.

Dr. McSherry was not an ordinary man, and his friends will ever delight to dwell upon his memory. Fresh as that memory is now, and vivid in our midst upon this floor, let me endeavor to engrave it deeper into the minds, and to lay an humble flower upon his grave which will bloom before us as long as we may live.

If we do not cherish the memory of our good and great men, our society will be recreant to its intention and loose in its interest.

My first acquaintance with Dr. McSherry was nearly two-score years gone by, and since that time, but few weeks have passed in which we did not see each other in some way or other. I now feel the void, and no doubt as many of you do, feel as if strength was taken from us, and that honor, professional aid and coöperation had been removed.

It is not given to all men to dazzle others with achievements which a few do accomplish. It is not the lot of all to leave behind them a fame which spreads wide and long. Neither can every man truly say, or absolutely believe, that his particular profession or calling in life, whatever that may be, has been materially and wonderfully advanced by his labors; but of Dr. McSherry it may be said that both in professional and private life his teaching was for true advancement, and his example manly and ennobling.

As a teacher of medical science, both public and private, he taught no original error for individual advancement, nor claimed knowledge which he did not possess. But in teaching those students who were entrusted to his care, he was careful in selecting his subjects, and always advocated industry and the training of the mind for future useful study. He taught no false doctrine knowingly, but had a talent for sifting the good from the bad, the useful from the worthless, the practical from the impossible, the genuine from the fictitious. In his own particular branch he excelled in reconciling the differences amongst authors upon disputed points, and delighted to show his pupils the most prominent points and parts in the diagnosis of disease.

So plain and exact was he as a teacher, so conscientious and painstaking, that his lectures sometimes lost in interest and brilliancy when, even by some equivocation, he might have made them more attractive and remarkable.

If these were some of Dr. McSherry's distinguishing marks as a public and private professional teacher, the example he has left us in private life is yet more prominent. He was a man upright and honest and always to be depended upon, and never to be doubted. One whose aim was for good and never for evil, whose happiness was to contemplate virtue and to reprove vice. He was one

whom we shall all miss and for whom we shall ever grieve, but whose life and example it will always be a pleasure and an advantage to us to recollect.

PROFESSOR W. T. HOWARD'S REMARKS:

Mr. President:—I cannot permit this solemn scene to pass away without laying an humble leaf upon the bier of my late eminent colleague and warmly-cherished friend. For eighteen years we taught in the same school of medicine, and I have had numerous opportunities to know him well. Always and everywhere he was the *model gentleman*, high above all chicanery and tricks in and out of the profession, open-hearted and open-handed. In the wide field of his usefulness and toils, he had few equals among us. Of vast and varied opportunities for observation and study over nearly the whole civilized world, he had acquired an immense amount of valuable information, not only in his chosen profession but in general literature and scientific culture. As a friend he was true and firm under every trial, and his genial smile and his intellectual face will long irradiate the memories of all who knew him well and enjoyed his confidence. His life was a beauty to behold and a blessing to regret.

Dr. T. A. Ashby's Remarks:

Mr. President:—I desire to add my humble tribute of respect to the memory of Professor McSherry, and to endorse the beautiful and appropriate words and sentiments which have been expressed by the gentlemen who have preceded me. My acquaintance with Professor McSherry began soon after I came to this city as a student of medicine, and when I was entirely without friends and acquaintances in the medical profession of Baltimore. He soon became my warm and generous friend, and I enjoyed his friendship until the day of his death. He freely gave me his advice and counsel in all matters of professional duty and in many other of the relations of life. I learned to love him devotedly, and in his death I feel that I have lost a friend indeed and a friend in truth.

GENERAL JOHN KILTY.

An Irish gentleman, named John Kilty, was Captain, or Supercargo, of a vessel trading to the Province of Maryland, in the first half of the eighteenth century. He married a Miss Ellen Ahearn, of Bordeaux, France, and made his home in London. But as he had many friends and

acquaintances in Maryland, the Decourceys of the Eastern Shore, the Carrolls of the Western Shore, and other worthies of that date, he resolved some time before the breaking out of the revolutionary war, to take up his residence in America, and with his family went to Annapolis. He remained there as a guest of Mr. Carroll, until he purchased and settled upon an estate, in Calvert County, Maryland. He was an ardent patriot, and was largely consulted by the Committee of Safety in the trying times which immediately preceded the struggle for independence.

He had one daughter, Lydia, who married Mr. Gilbert Smith, and two sons, both born in London, and educated at the College of St. Omer's in France, and both officers in the Maryland line.

The older son, John Kilty, was born in 1756. In 1776, he was comissioned an ensign in the third battalion of the flying camp, in Capt. Edward Tilliard's Company. In March, 1777, he was commissioned as Second Lieutenant in Captain Edward Norwood's Company, in the famous fourth battalion of regulars of which Josias Carvill Hall was Colonel, Samuel Smith, Lt.-Col., and John Eager Howard, Major; and he shared with his comrades the trials and the glories of the Northern campaign through Pennsylvania and the Jerseys, until the affair in Long Island, where he was taken prisoner. He was later promoted to a Captaincy,

and, at the dissolution of the army in 1783, held the commission of Captain in the 1st regiment of light dragoons, with a record of six years and eight months of active service.

At the close of the war he retired to Annapolis, and married Miss Catherine Quynn, daughter of Allen Quynn. They had nine children, five sons and two daughters, who all died unmarried and without issue, and two married daughters, the elder, Elizabeth, who married Robert Wilson, a distinguished member of the Maryland bar, and the younger, Ellen Ahearn, who married Major Schmuck of the United States Army. Having, in addition to his brilliant military record, exceptional educational advantages, both in literature and the fine arts, of fine presence and great dignity of character, Capain Kilty immediately took a prominent position in his community.

He was first appointed president of the Governor's Council. Then President Washington appointed him Supervisor of the Revenue of the general government, within the State of Maryland; and he subsequently held the offices of Land Commissioner for the Western Shore, and Brigadier-General, and Adjutant-General of Maryland, up to the date of his death. In 1808, he published his well-known book, "The Landholder's Assistant and Landholder's Guide," a work of great learning and usefulness to Maryland lawyers and land-

holders, and of special interest to the student of Maryland history. He died at his country seat "Primrose," near Annapolis, on the 27th May, 1811, in the 55th year of his age. In the formation of the Society of the Cincinnati in Maryland, he was one of the most prominent movers, and filled many important offices in it.

CHANCELLOR WILLIAM KILTY.

William Kilty, younger brother of John Kilty, was born in London, in 1757, and educated at the college of St. Omer's in France. He came with his father and family to America, and settled in Maryland shortly before the revolution broke out. He entered the service as a surgeon in 1776, and served until the dissolution of the army in 1783.

He then began the study of law, was called to the bar, and very soon took a distinguished position in that brilliant galaxy of lawyers, who then ornamented the Maryland bar.

On 3rd March, 1801, he was appointed by President Adams, First Chief-Justice of the Circuit Court of the District of Columbia, which office he held until 24th February, 1806, when he resigned, and was succeeded by Judge Cranch. His resignation was caused by the desire of the bar for his appointment as Chancellor of Mary-

land; which high office he held from 25th January, 1806, until the day of his death.

He died in Annapolis on the 10th October, 1821, aged 64 years, and the bar of Maryland held a meeting on the following day, and passed a resolution that both bench and bar should wear crape on their arms for thirty days, in memory of this revolutionary patriot, and great Maryland lawyer, distinguished alike at the bar and on the woolsack. Appointed by the legislature, and by the governor and council, for that purpose, he prepared the works known as "Kilty's laws of Maryland," and "Kilty's English statutes applicable in Maryland," which, by legislative enactment, became the foundation of statute law in Maryland after the revolution, and remain to this day the best monument to Chancellor Kilty.

He married Miss Elizabeth Middleton, of Calvert County, Maryland, but never had any children.

Like his older brother John, he was a man of great culture, a scholar and a musician. They were both active in the formation of the Society of the Cincinnati of Maryland, both signed the original institution and duly qualified as members, and they lie together now in the old cemetery of Annapolis, under a handsome monument erected to their memory by General Kilty's youngest son and successor in the Society of the Cincinnati, Rear-Admiral Augustus H. Kilty, U. S. N.

REAR-ADMIRAL AUGUSTUS HENRY KILTY, U. S. N.,

was born in Annapolis, November, 1807, and was the youngest, and last surviving child, of General John Kilty. He was appointed to the navy, from the State of Maryland, on 4th July, 1821, and made his first voyage as a midshipman in the flag-ship "Franklin," Commodore Stewart, which cruised in the Pacific, from 1821 to 1824. The following year he was transferred to the frigate "Constitution," on board of which he remained until 1827. In 1830 and 1831, he was a member of the party which surveyed the coast of Louisiana, and distinguished himself in the many adventures which befell the officers sent on that mission by the government. In April, 1832, he was promoted to past-midshipman, and served in the schooner "Grampus," on the West India station until 1834, when he joined the receiving ship "Sea Gull," in Philadelphia.

On 6th September, 1837, he was commissioned as Lieutenant, and was assigned to service on the sloop-of-war "John Adams," in the East India squadron. He was present at the attack on Qualla Battoo and Muckie in 1840, and acquitted himself nobly on that occasion.

From 1840 to 1850, he was on the ship "Columbus," and the frigate "United States," cruising in the Mediterranean, and on the coasts of Africa and

Brazil. In 1854, he was stationed on the receiving ship "North Carolina" in New York.

In 1855, he was made a commander, and in 1860 and 1861 was stationed in Baltimore, where he made himself famous by his refusal to haul down the American flag, floating over the naval stations in the city, as ordered by an enraged mob. He declared that he would blow out the brains of the first man that touched the flag. But the Secretary of the Navy, to relieve the situation, in view of the very great excitement in Baltimore, ordered the receiving stations to be temporarily closed, and the flags were accordingly lowered. He was then ordered to St. Louis, to aid in organizing the flotilla under Foote, took command of the gun-boat "Mound City," and was engaged at Island Number Ten, and Fort Pillow. In the latter engagement the "Mound City" was sunk, and Commander Kilty and his crew made a narrow escape from death.

The gun-boat was raised, repaired, and rejoined the flotilla, and her commander took charge of her again. In 1862, he was given the command of a fleet of gun-boats, and made an attack on Fort Charles, on the White River, about one hundred miles from the Mississippi. After a brave and heroic struggle, during which he was leading the action with his flag-ship, wherever the danger was greatest, he won the victory. Near the close of

the engagement, a shot perforated the steam drum of the "Mound City," and the escape of steam caused the death of over one hundred of her officers and men.

Commander Kilty, who was in the wheel-house when the explosion took place, was taken out by some of his crew, very badly scalded, and in consequence lost his left arm. Captain Fry, the Confederate Commander, was also very badly wounded. He was the same officer who subsequently commanded the "Virginius," and was captured and shot by the Spanish authorities in Cuba.

Commander Kilty's magnanimous attention to his wounded prisoner, at that time, showed the natural chivalry of his character. The two commanders lay side by side on the deck of the federal gun-boat; and considering Fry's condition the more serious, Kilty ordered his surgeon to attend to his brave enemy before himself. When they were taken ashore, under the idea that Captain Kilty was dying, some demonstrations were made in the streets by sailors and camp followers hostile to Captain Fry; whereupon Captain Kilty ordered Captain Fry to be placed in the room with himself, and told his men, that any man who wanted to attack Captain Fry must first attack Captain Kilty.[1]

[1] Captain Fry, after his exchange, expressed his gratitude to Captain Kilty in the warmest terms. And the Confederate Naval officers who had been in the old Navy fully appreciated this chivalrous incident.

As soon as he recovered from his wound, he was commissioned as full Captain, and assigned to Ordnance duty in Baltimore. This was in 1863. He was then given the command of the iron-clad frigate "Roanoke," at that time the most formidable vessel in the Navy. Subsequently he commanded the "Vermont," and in July, 1866, he was commissioned Commodore, and commanded the Norfolk Navy-yard until 1st July, 1870, when he was retired with the rank of Rear-Admiral.

He first lived in Washington, but soon after he removed to Baltimore, and died there on 10th November, 1879. He was buried in "Bonnie Brae" cemetery, with the military honors due to his rank, after 58 years of faithful and distinguished service to his flag and country. With him died the name of Kilty in Maryland, for neither he nor his brothers ever married.

Admiral Kilty, in appearance and manner, was the beau ideal of an officer and a gentleman. From his earliest youth he cultivated the literary tastes inherited from his father, and uncle, and his knowledge of English authors was remarkable, particularly of the poets; Shakespeare he had almost memorized; and his library, although not very large, was an Anthology of our language. He was not a scientific musician, but had an exquisite ear, and great musical memory. His guitar

was famous, not only in our own, but in foreign navies. In his hands it was a wonderful instrument. He had a large and intimate acquaintance with the most distinguished dramatic and musical artists of his time, and his reminiscences were always interesting. He was a charming conversationalist, but never could be induced to talk of his war record, and I know, personally, how deeply he felt the separation from his old companions in arms, who left the U. S. Navy and joined the Confederacy. Upon the death of his elder brother William he succeeded to the membership of his father in the Society of the Cincinnati, and was Vice-President of the Maryland Society when he died.

A man of the strongest family affection, he was always ready, as son, brother, and uncle, to show how much he loved his own blood, and at the end of a noble life he died as became a sincere Christian, and devout Catholic.

The Legislature of Maryland, in 1864, passed the following resolution:

Be it Resolved, That the thanks of the State are hereby tendered to Captain A. H. Kilty, of Maryland, for the loyalty and courage with which he has performed his duty as an officer of the Navy, since the breaking out of the rebellion, and especially for his brilliant services in command of the gunboat "Mound City," in the fight at Fort Pillow, and in the attack on the batteries at Fort Saint Charles, on the White River, and that the General Assembly express their sympathy with Captain Kilty, in the severe bodily suffering and injury resulting to him from his fight,

and their pleasure at the prospect of his being again restored to active usefulness.

And the Navy Department issued the following General Order:

General Order of Navy Department,

Washington, *November 11th*, 1879.

The Secretary of the Navy announces with regret, to the Navy and Marine Corps, the death of Rear-Admiral Augustus H. Kilty, on the 10th instant, at Baltimore, Maryland, in the seventy-second year of his age.

Rear-Admiral Kilty entered the Navy as a midshipman July 4, 1821, and was zealous and prompt in the performance of every duty to which he was assigned, until he was removed from the Active List, in pursuance of law and honorably retired as a Commodore, November 25, 1868.

He was conspicuous for activity and bravery on the western rivers in the late civil war, and had command of the naval expedition which captured Fort Charles, on the White River, Arkansas, April 17, 1862. It was in the midst of this engagement, and while occupying the leading place in the column of attack, and through a disastrous accident to his vessel, the Mound City, he was seriously maimed—losing his left arm—and barely escaped death, a fate that befell almost all the officers and crew of the Mound City.

He was generous, loyal and brave, and in recognition of his highly meritorious services, was promoted July 1, 1870, from a Commodore to a Rear-Admiral on the Retired List.

In respect to his memory, it is hereby ordered that on the day after the receipt hereof the flags of the Navy Yards and Stations and vessels in commission be displayed at half-mast, from sunrise to sunset, and thirteen minute guns be fired at noon from every Navy Yard and Station, flag-ships and vessels acting singly.

R. W. Thompson,
Secretary of the Navy.

These are the originals of my family portraits. They have gone where we must all follow. "Requiem aeternam dona eis Domine, et lux perpetua luceat eis."

THE END.

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